

**IN THE SUPREME COURT OF CANADA**  
**(On Appeal from the Ontario Court of Appeal)**

BETWEEN:

**DENIS RANCOURT**

**APPLICANT**  
(Appellant/Defendant)

-and-

**JOANNE ST. LEWIS**

**RESPONDENT**  
(Respondent/Plaintiff)

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**RESPONSE OF THE RESPONDENT JOANNE ST. LEWIS**  
**(On an Application for Leave to Appeal)**

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File Number: 36653  
Appealed From: C59074

**IN THE SUPREME COURT OF CANADA  
(On Appeal from the Court of Appeal for Ontario)**

BETWEEN:

**DENIS RANCOURT**

**APPLICANT**  
(Appellant/Defendant)

-and-

**JOANNE ST. LEWIS**

**RESPONDENT**  
(Respondent/Plaintiff)

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**MEMORANDUM OF ARGUMENT OF THE RESPONDENT JOANNE ST. LEWIS  
(On an Application for Leave to Appeal)**

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## **PART I      OVERVIEW AND STATEMENT OF FACTS**

### **A.      OVERVIEW**

1. This is the third Leave Application filed by the Applicant (Dr. Denis Rancourt) in this libel action. The Applicant is a vexatious self-represented litigant who describes himself on his Facebook Page as an “anarchist” and his activities as “anarchy”.<sup>1</sup>

2. The Applicant published two racist and defamatory articles that called the Respondent (University of Ottawa Law Professor Joanne St. Lewis) the House Negro of the President of the University of Ottawa (Allan Rock).<sup>2</sup>

3. The Court of Appeal for Ontario dismissed the Applicant’s appeal of a jury’s verdict that found he maliciously defamed Professor St. Lewis. The jury awarded Professor St. Lewis \$350,000 in damages (\$100,000 in general damages and \$250,000 in aggravated damages). The Trial Judge issued a takedown Order and permanent injunction.

4. The Applicant seeks leave to appeal on the five issues set out below, none of which raise issues of national importance and are specific to the parties to this libel action.

#### **1.      Permanent Injunction Against A Cyberbully**

5. The Applicant argues that the permanent injunction issued against him violates the *International Covenant On Civil And Political Rights* and that the test relied upon by the Trial Judge has not previously been challenged in an appellate court. This Court has previously denied leave to appeal appellate decisions that upheld the issuance of a permanent injunction against a libel defendant.

6. The *International Covenant on Civil and Political Rights* is of no assistance to the Applicant in that it provides that the right to freedom of expression carries with it a special duty and responsibility to respect the reputation of others. The Applicant has maliciously disrespected the reputation of Professor St. Lewis from day #1. On the facts of this case, a permanent injunction was absolutely necessary.

<sup>1</sup> Denis Rancourt’s Facebook page, Exhibit A, Affidavit of Lauren Crosby sworn October 28, 2015 (“Crosby Affidavit”), Response of the Respondent Joanne St. Lewis (“Response”), Tab 6A, p. 44.

<sup>2</sup> UofOWatch – “Did Professor St. Lewis act as Allan Rocks house negro?”, Exhibit B, Crosby Affidavit, Response, Tab 6B, p. 46; UofOWatch – “Top dog Canadian freedom of the press lawyer targets UofOWatch blog”, Exhibit C, Crosby Affidavit, Response, Tab 6C, p. 48.

**2. The Applicant Abandoned The Defence Of This Libel Action On Day #2 Of The Trial And Adduced No Evidence At Trial**

7. The Applicant argues that his defences were barred at trial. This is untrue. The Applicant's Memorandum of Argument inexplicably failed to inform this Court that at the outset of day #2 of the trial the Applicant abandoned the trial after telling the Trial Judge: "This morning I inform the Court that I can no longer participate in such a process. Therefore I'm leaving this unjust process. You will take the decisions in my absence. It's finished for me. I'm leaving". The Applicant never returned to the courtroom until the jury began its deliberations.

8. The burden was on the Applicant to prove the defences he pleaded and he failed to do so when he abandoned the trial and adduced no evidence before the jury. There was no defence to consider.

**3. The Substantial Indemnity Costs Award Was Warranted**

9. The Applicant argues that the award of substantial indemnity costs against him was unconstitutional and contrary to the *International Covenant On Civil And Political Rights*. The Trial Judge had ample evidence of the Applicant's malicious conduct to award substantial indemnity costs.

10. Neither the *Charter* nor the *International Covenant on Civil and Political Rights* are engaged simply because the Trial Judge awarded substantial indemnity costs against the Applicant. Indeed, this Court awarded solicitor-client costs against the Applicant when the Court dismissed the Applicant's second Leave Application (which the Applicant refuses to pay).

**4. The Trial Judge Is The 4th Judge Of The Ontario Superior Court Of Justice That The Applicant Has Accused Of A Reasonable Apprehension of Bias**

11. The Applicant argues that the Canadian common law test for reasonable apprehension of bias which applies a heavy burden on a party who seeks to rebut the presumption of judicial impartiality is a violation of Article 14(1) of the *International Covenant On Civil And Political Rights* (fair trial).

12. The common law test for reasonable apprehension of bias and the burden to rebut the presumption of judicial impartiality is well settled law and the subject of a recent decision of this Court (*Yukon Francophone School Board v Yukon (Attorney General)*, 2015 SCC 25). Article 14

of the *International Covenant On Civil And Political Rights* is of no assistance to the Applicant. Further, this treaty does not override this Court's decisions setting down the law governing the determination of whether a Canadian Judge had a reasonable apprehension of bias.

13. This is the Applicant's third Leave Application in which he alleges there is an issue of national importance regarding the law governing reasonable apprehension of bias which is not only meritless but also vexatious and an abuse of process.

**5. The Court of Appeal's Interpreter Did Not Violate The Applicant's French Language Rights**

14. The Applicant argues that the Court of Appeal for Ontario breached his *Charter* language rights "because the language service and facilities were defective and inadequate, which in effect deprived the Applicant of his allowed time to complete his submissions". Firstly, the interpreter's attempts to convince the Applicant to speak slower so she could provide the Respondent's counsel an accurate translation did not take longer than 3 minutes in total. Secondly, a reduction in the amount of time allocated for oral argument is in no way a violation of the Applicant's linguistic rights. Thirdly, the Applicant's linguistic rights were always accorded by the Court of Appeal. The Applicant argued his appeal in the language of his choice before a bilingual panel of Justices of the Court of Appeal. An interpreter was needed by Professor St. Lewis' counsel and not the Applicant who is fluent in both the French and English languages. The Applicant's language rights were never violated.

**Order Sought**

15. As was the case with the Applicant's two previous Leave Applications, this Leave Application does not engage any issues of national importance and should be dismissed with solicitor-client costs.

## B. FACTS

### (i) The Jury Awarded \$350,000 In Damages Caused By The Applicant's Malicious And Defamatory "House Negro" Articles

16. The Respondent Joanne St. Lewis is a tenured Professor of Law at the University of Ottawa's Faculty of Law, Common Law Section. Professor St. Lewis' life has been devoted to combating racism and the promotion of equality rights. Professor St. Lewis is the first Black woman to be elected as a Bencher of the Law Society of Upper Canada.

17. The Applicant Dr. Denis Rancourt, a former tenured Physics Professor who was dismissed by the University of Ottawa, published two articles on his website ("U of O Watch") that *inter alia* called Professor St. Lewis the "House Negro" of University of Ottawa President Allan Rock.<sup>3</sup> The Applicant is the coordinator of the self-represented litigants working group of the so-called Ontario Civil Liberties Association<sup>4</sup>. The Founding Principles of the unincorporated Ontario Civil Liberties Association supports individual expression of hate and love, as well as criminal behavior such as child pornography, genocide, slavery, and serial murder.<sup>5</sup>

18. The Applicant not only refused to take down his "House Negro" articles, he intentionally published numerous additional defamatory "comments" about Professor St. Lewis after he was sued (e.g. the Applicant published a "comment" from a reader in England that defamed Professor St. Lewis in a vile Baa Baa Black Sheep rant).<sup>6</sup>

19. The jury found that the Applicant's "House Negro" articles were defamatory, that the Applicant was malicious, and awarded \$350,000 in damages to Professor St. Lewis, consisting of \$100,000 in general damages, and \$250,000 in aggravated damages.

20. Professor St. Lewis has litigated against the Applicant for over 4 ½ years and has had to endure the Applicant's malicious conduct from the day he was served with the first Notice of Libel. During these years of litigation, the Applicant filed or caused to be filed approximately 30

<sup>3</sup> Denis Rancourt's blog post "Did Professor Joanne St. Lewis Act As Allan Rock's House Negro?" (February 11, 2011), Exhibit B, Crosby Affidavit, Response, Tab 6B, p. 46;

Denis Rancourt's blog post "Top Dog Canadian Freedom of the Press Lawyer Targets UofOWatch Blog" (May 18, 2011), Exhibit C, Crosby Affidavit, Response, Tab 6C, pp. 48;

<sup>4</sup> OCLA Self-represented Litigants Working Group, Exhibit D, Crosby Affidavit, Response, Tab 6D, pp. 53.

<sup>5</sup> OCLA Founding Principles, Exhibit E, Crosby Affidavit, Response, Tab 6E, p. 55.

<sup>6</sup> See for example Comments section, UofOWatch article, "U of O law professor Joanne St. Lewis sues Rancourt for \$1 million, will give half to a law student scholarship fund", Trial Exhibit P-2 (Tab 50), Exhibit F, Crosby Affidavit, Response, Tab 6F, pp. 66-68.

motions and appeals that were all decided in favour of Professor St. Lewis by a Master, five Justices of the Ontario Superior Court of Justice, the Court of Appeal (twice) and the Supreme Court of Canada (twice).

(ii) **The Applicant Abandoned The Defence Of This Libel Action On Day #2 Of The Trial And Called The Court A “Kangaroo Court”**

21. The Applicant abandoned the trial before the commencement on the 2<sup>nd</sup> day of Professor St. Lewis’ examination-in-chief. Prior to walking out of the courtroom, the Applicant read a prepared statement to the Trial Judge (Justice Michel Charbonneau) that stated in part:

“...This would give nightmares to Kafka himself.

To my eyes, we are no longer in Canada — and we can no longer claim to have a system of justice in this action before you Your Honour.

I am outraged by this gag order imposed in a manner that is apparently arbitrary, which does not allow me to be heard and to “have my day in court”.

I have pleaded “abuse of process” at every step and now, at trial itself, I don’t even have the right to say that the University of Ottawa is entirely financing the plaintiff or the right to use the *Jameel* defense that applies to situations where the defendant advances a lack of actual damage to reputation, that’s “actual” damage, and to “reputation”, not some other kind of damage.

I was very disturbed by these incomprehensible events, and I have been deeply perturbed all day yesterday; confused also, as a self-represented litigant. This morning I inform the Court that I can no longer participate in such a process.

Therefore, I’m leaving this unjust process. You will take the decisions in my absence. It’s finished for me. I’m leaving.” (emphasis added)

22. Shortly after the Applicant told the Trial Judge that “I can no longer participate in such a process” and “It’s finished for me. I’m leaving”, he published his prepared statement on his website uofowatch.blogspot.com knowing that Professor St. Lewis and her witnesses were testifying before a jury<sup>7</sup>.

23. Within hours of abandoning his defence of this libel action, the Applicant told an *Ottawa Citizen* reporter that Justice Charbonneau’s Court was a “Kangaroo court”:

<sup>7</sup> UofOWatch blog posting by Denis Rancourt, “Why I walked out of the trial in which I am being sued”, Exhibit G, Crosby Affidavit, Response, Tab 6G, pp.73-74; Excerpt from Transcript of Proceedings At Trial, May 16, 2015, pp. 1-17, Exhibit H, Crosby Affidavit, Response, Tab 6H, pp. 77-95.



“To strike out a pleading is a Draconian measure,” Rancourt said, adding that the judge’s ruling effectively gutted his defence strategy and created “a fake process where I’m gagged.

“That, to me, is absurd. It’s insane,” he exclaimed. “It’s the opposite of what should happen in a fair process. I’m not going to participate in that kind of kangaroo court... This poor jury is not going to hear the whole story.” (*Ottawa Citizen* – May 16, 2014)<sup>8</sup>

The Trial Judge did not strike out a pleading. The Trial Judge did not issue a gag order. The alleged “Draconian measure” was the Trial Judge’s ruling that the Applicant could not adduce evidence about his so called “Jameel defence”. The Applicant abandoned the “Jameel defence” ground of appeal before the Court of Appeal in his Supplementary Notice of Appeal.

24. Professor St. Lewis’ trial continued before the jury after the Applicant abandoned the trial. The Applicant’s next appearance at the trial was when the jury was deliberating. Although the Applicant abandoned his defence he was busy attempting to prejudice the jury by telling the media “this poor jury is not going to hear the whole story,” by posting articles on his website (“Why I Walked Out Of The Trial In Which I Am Being Sued”)<sup>9</sup>, by hyperlinking to a petition “Give A Fair Court Hearing To Denis Rancourt”<sup>10</sup> and by posting *voir dire* materials on archive.org about his allegations of bias against the Trial Judge<sup>11</sup>.

25. The Applicant was present in the courtroom to oppose Professor St. Lewis’ request for a permanent injunction and take down Orders. Justice Charbonneau ordered the Applicant, *inter alia*, to take down the defamatory articles and issued a permanent injunction.

26. The Trial Judge awarded costs of the action against the Applicant on a substantial indemnity basis in the amount of \$444,895.

<sup>8</sup> *Ottawa Citizen*, “Rancourt walks out on ‘kangaroo trial’”, May 16, 2014, Exhibit I, Crosby Affidavit, Response, Tab 6I, pp. 97-98.

<sup>9</sup> UofOWatch blog posting by Denis Rancourt, “Why I walked out of the trial in which I am being sued”, Exhibit G, Crosby Affidavit, Response, Tab 6G, pp. 72-74.

<sup>10</sup> UofOWatch blog posting by Denis Rancourt, “Give A Fair Court Hearing To Denis Rancourt” Exhibit J, Crosby Affidavit, Response, Tab 6J, pp. 101-108; Hazel Gashoka video as linked in “Give A Fair Court Hearing To Denis Rancourt” petition, “Hazel Gashoka Speaks Out on SAC and St. Lewis Reports”, Exhibit K, Crosby Affidavit, Response, Tab 6K, pp. 110-112.

<sup>11</sup> Screenshot, documents posted by D. Rancourt on archive.org, Exhibit L, Crosby Affidavit, Response, Tab 6L, p. 114

**PART II      QUESTIONS IN ISSUE**

27. The five issues of alleged national importance set out in paragraph 27 of the Applicant's Memorandum of Argument are as follows:

- A. Is the common-law "Astley test" used in ordering permanent injunctions against unknown expression following findings of defamation constitutional and consistent with Canada's obligations pursuant to the *International Covenant on Civil and Political Rights*, and was the applicant's right of freedom of expression thereby violated by the permanent injunction?
- B. Under what conditions, if any, can a judge disregard evidence on the trial record because one party did not "call" or "introduce" it, in deciding whether to put defences to the jury, and were the applicant's *Charter* rights of a fair trial and of freedom of expression thereby infringed or denied by the lower courts themselves?
- C. Under what conditions are costs of trial ordered against a defendant in a defamation action unconstitutional and incompatible with Canada's obligations pursuant to the *International Covenant on Civil and Political Rights*, and did the lower courts themselves violate the applicant's right of freedom of expression with costs?
- D. Is the Canadian common law test for reasonable apprehension of bias (judicial bias) unconstitutional by virtue of being a violation of Article 14(1) of the *International Covenant on Civil and Political Rights*, and did the lower courts themselves thereby violate the applicant's right to a fair trial?
- E. Did the appellate court itself violate the applicant's equal-language *Charter* rights and privileges?

None of these issues are of national importance, are fact driven and are specific to the parties to this libel action.



### **PART III STATEMENT OF ARGUMENT**

#### **A. A Permanent Injunction Against A Cyberbully**

28. The first issue set out in paragraph 27(i) of the Applicant's Memorandum of Argument is:

Is the common-law "Astley test" used in ordering permanent injunctions against unknown expression following findings of defamation constitutional and consistent with Canada's obligations pursuant to the *International Covenant on Civil and Political Rights*, and was the applicant's right of freedom of expression thereby violated by the permanent injunction?

29. The "Astley test" refers to the decision *Astley v Verdun*<sup>12</sup>, in which Ontario Superior Court Justice Chapnik held:

[21] Permanent injunctions have consistently been ordered after findings of defamation where either: (1) there is a likelihood that the defendant will continue to publish defamatory statements despite the finding that he is liable to the plaintiff for defamation; or (2) there is a real possibility that the plaintiff will not receive any compensation, given that enforcement against the defendant of any damage award will not be possible [...]

30. Decades ago, in *Hill v Church of Scientology of Toronto*,<sup>13</sup> the Supreme Court of Canada made it clear that there is no freedom of expression to defame somebody in Canada and that a person's reputation is as equally important in Canada. A permanent injunction was ordered by the trial judge in *Hill v Church of Scientology of Toronto*.<sup>14</sup>

31. The Applicant alleges at paragraph 30 of his Memorandum of Argument that the *Astley* test "has not previously been reviewed by an appellate court regarding consistency with the values embodied in s. 2(b) of the *Charter*". This Court denied leave to appeal from the Court of Appeal for Ontario's decision in *Ottawa-Carleton District School Board v Scharf*<sup>15</sup> which affirmed a permanent injunction prohibiting the defendants "from republishing defamatory statements about the plaintiffs on any website or in any other medium or otherwise communicating or publishing false and defamatory statements about the plaintiffs". In addition, in *Takefman v*

<sup>12</sup> *Astley v Verdun*, 2011 ONSC 3651 at para 21.

<sup>13</sup> *Hill v Church of Scientology of Toronto*, [1995] 2 SCR 1130 (SCC).

<sup>14</sup> *Hill v Church of Scientology of Toronto*, 7 OR (3d) 489, [1992] OJ No 451 (ONSC) at para 52, aff'd [1995] 2 SCR 1130 (SCC).

<sup>15</sup> *Paquin v Ottawa-Carleton District School Board*, [2008] SCCA No 285 (SCC), refusing leave to appeal *Ottawa-Carleton District School Board v Scharf*, 2008 ONCA 154, aff'ing [2007] OJ No 3030 (ONSC) at para 30.

*Bier*<sup>16</sup> this Court dismissed a Leave Application from the Quebec Court of Appeal's decision that upheld a permanent injunction. The Quebec Court of Appeal rejected the argument that a permanent injunction unduly restricted his right to freedom of expression set out in the *Canadian Charter of Rights and Freedoms* and in the *Quebec Charter of Human Rights and Freedoms*.

32. The Learned Trial Judge in the case at bar made the following factual findings about the Applicant's conduct to support the issuance of the permanent injunction:

- The evidence heard at trial clearly establishes that the defendant has carried out a persistent attack on the plaintiff, and that the theme of his attack is that the plaintiff lacks integrity and independence as a professional. He has done so in unequivocal terms, calling her the "house negro" of Allan Rock, the president of the University of Ottawa.
- The evidence is clear that his attack on Professor St. Lewis was systemically prepared and orchestrated.
- Although he was asked to remove the defamatory articles on many occasions, he refused to do so, and in fact continued posting new articles after the requests. He also linked many articles written by his activists supporters. It is clear to me he has no intention of stopping.
- From the time he walked out of the courtroom, the defendant published all types of comments in various forms on various blogs about what had occurred in the absence of the jury, and which he knew or should have known could prejudice the jury if it came to their attention. In some cases the publications were made by him on his blogs or sometimes indirectly by his activist friends.
- There is no indication whatsoever that the damage award will in any way change his mind. It is clear he still believes his statements were either not defamatory or even if they were, that he was totally entitled to publish them because defamation law is wrong and must be eradicated.
- The conduct of the defendant through the last three and a half years makes it more than probable that he will continue to publish further defamatory comments about the plaintiff.
- Moreover, his suggestion that the plaintiff could always bring an action that the transfer of his house to his wife was a fraudulent conveyance indicates he would be prepared to take all the means possible not to pay if he had eventually the financial means to do so.

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<sup>16</sup> *Takefman v Bier*, [2012] SCCA No 436 (SCC), refusing leave to appeal [2012] QJ No 9550 (QCCA), 2012 QCCA 1790, aff'ing [2012] QJ No 6092, 2012 QCCS 2851 (QCCS) at paras 216-233.

- It is important to remember that the jury found that the defendant was actuated by malice. I take this into consideration also.<sup>17</sup>

33. The Court of Appeal accepted the Trial Judge's findings of fact that there had been a campaign of defamation and a likelihood that it will continue, and did not interfere with the Trial Judge's Order under these circumstances.

34. It is noteworthy that the Applicant's cyberbullying of Professor St. Lewis continues. Ten days after the jury issued its verdict, the Applicant published an article entitled "Cynthia McKinney's petition "Give a Fair Court Hearing to Denis Rancourt" surpasses 1000 signatures", containing a hyperlink to the petition which contains defamatory statements about Professor St. Lewis and an embedded video by the Applicant's partisan supporter Hazel Gashoka that calls Professor St. Lewis a House Negro<sup>18</sup>. In addition, two articles recently published by the Applicant (September 28, 2015 and July 22, 2015) hyperlink to a YouTube video by BraveTheWorld (Julia Tourianski) entitled "Free Speech is Dead in Canada"<sup>19</sup> – Professor St. Lewis is called a House Negro in this video by Hazel Gashoka.

35. Individuals' reputations are entitled to vigorous protection from defamatory comments and the Applicant's freedom of expression does not confer a license to ruin reputations (*Crookes v Newton*, [2011] 3 SCR 269, per Abella, J. at paragraph 37). Based on the evidence of the Applicant's egregious conduct, the Learned Trial Judge quite properly issued a permanent injunction.

**B. The Applicant Abandoned The Defence Of This Libel Action On Day #2 of the Trial and Adduced No Evidence At Trial**

36. The second issue set out in paragraph 27(ii) of the Applicant's Memorandum of Argument is:

<sup>17</sup> Reasons for Decision (Injunction Motion) of Justice Charbonneau, Trial Transcript, Volume 15A, June 6, 2014, Applicant's Leave Application, Tab E2a, pp. 47-64.

<sup>18</sup> Hazel Gashoka video, "Hazel Gashoka Speaks Out on SAC and St. Lewis Reports", Exhibit K, Crosby Affidavit, Response, Tab 6K, p. 110.

<sup>19</sup> UofOWatch blog by Denis Rancourt entitled "Free Speech is Dead in Canada (video)" -- Brave The World"; UofOWatch blog by Denis Rancourt entitled "St. Lewis v. Rancourt defamation case: Rancourt files Application for leave to appeal to the Supreme Court of Canada"; Exhibit M, Crosby Affidavit, Response, Tab 6M, pp. 117-118; Denis Rancourt's blog post "St. Lewis v. Rancourt defamation case: Rancourt files Application for leave to appeal to the Supreme Court of Canada" (September 28, 2015); Exhibit N, Crosby Affidavit, Response, Tab 6N, p. 122; Video copy of BraveTheWorld, YouTube, "Free Speech Is Dead in Canada" (July 22, 2015), Exhibit O, Crosby Affidavit, Response, Tab 6O, p. 125.

Under what conditions, if any, can a judge disregard evidence on the trial record because one party did not “call” or “introduce” it, in deciding whether to put defences to the jury, and were the applicant’s *Charter* rights of a fair trial and of freedom of expression thereby infringed or denied by the lower courts themselves?

37. Nowhere in the Applicant’s Memorandum of Argument did he inform this Court that prior to the commencement of day #2 of the trial, he unequivocally told the Trial Judge: “I can no longer participate in this process” and “You will take the decisions in my absence. It’s finished for me. I’m leaving.”<sup>20</sup>

38. The Applicant was not present at the trial:

- during the second day of Professor St. Lewis’ examination-in-chief and the testimony of all of her witnesses. The Applicant conducted no cross-examinations, called no witnesses, and filed no exhibits;
- during the closing address to the jury by counsel for Professor St. Lewis; and
- during the Trial Judge’s charge to the jury.

Although the Trial Judge was not required to do so, the Trial Judge charged the jury to not give any consideration to the fact that the Applicant ended his participation at the trial:

“You must not use the fact that Mr. Rancourt chose to end his participation in the trial for or against him. As far as you are concerned for the purpose of your decision, that fact is a totally irrelevant fact.”<sup>21</sup>

39. The common law has long recognized that defences for which there is no factual basis or evidentiary foundation should not be put to the jury.<sup>22</sup>

40. In *Rando Drugs Ltd v Scott*, the appellant (plaintiff by counterclaim) asked the trial judge to recuse himself because ten years before the trial, the trial judge was a partner of the law firm that had once represented one of the defendants by counterclaim. The trial judge refused to recuse himself, and the appellant and her counsel then walked out of the courtroom. The trial

<sup>20</sup> UofOWatch blog posting by Denis Rancourt, “Why I walked out of the trial in which I am being sued”, Exhibit G, Crosby Affidavit, Response, Tab 6G, pp. 73-74; Excerpt from Transcript of Proceedings At Trial, May 16, 2015, pp. 1-17, Exhibit H, Crosby Affidavit, Response, Tab 6H, pp. 79-95.

<sup>21</sup> Trial Transcript, Proceedings at Trial, June 3, 2014, Applicant’s Leave Application, Tab G5, p. 175, lines 27-32.

<sup>22</sup> *R v Livermore*, [1995] 4 SCR 123, [1995] SCR 123 (SCC) at para 15.

judge dismissed the counterclaim. Justice Rosenberg dismissed the appeal finding that “by withdrawing from the courtroom, the appellant abandoned her case”.<sup>23</sup> Likewise, when the Applicant walked out of Justice Charbonneau’s courtroom, the Applicant abandoned his case. The burden was on the Applicant to present evidence for the jury to consider and he chose to adduce no evidence because in his words: “It’s finished for me”.

41. Contrary to paragraph 11 of the Applicant’s Memorandum of Argument, an opening statement is not evidence. The Trial Judge did not disregard any trial-record evidence. The Court of Appeal correctly held at paragraph 7 of its Endorsement that “although the Appellant mentioned fair comment in his opening statement to the jury, the statement was not evidence and could not establish a defence”.<sup>24</sup>

42. The jury was not barred from considering any defence as alleged by the Applicant – there was never a defence for the jury to consider. The burden was on the Applicant to prove the defences he pleaded and he failed to do so when he abandoned the trial and adduced no evidence before the jury. The Court of Appeal correctly held at paragraph 17 of its Endorsement that “[r]ather than attempting to prove that his right to freedom of expression should, at law, overcome the respondent’s right to protect her reputation, the appellant refused to participate in the trial”.<sup>25</sup>

43. The Applicant’s submission at paragraphs 43 and 46 of his Memorandum of Argument that he was denied a fair trial in violation of Article 14(1) of the *International Covenant on Civil and Political Rights* is preposterous. The Applicant mocked the Trial Judge by calling his court a Kangaroo Court<sup>26</sup>. The Applicant’s contemptuous conduct after he abandoned the trial was prejudicial to Professor St. Lewis’ fair trial. As stated by the Learned Trial Judge’s Endorsement On Costs,<sup>27</sup> the Applicant’s “regular publications during the trial were creating a substantial prejudice to the plaintiff’s case were they to come to the attention of the jury”. There was no denial of a fair trial to the Applicant.

<sup>23</sup> *Rando Drugs Ltd v Scott*, 2007 ONCA 553, [2007] OJ No 2999 (ONCA) at paras 35-39.

<sup>24</sup> *St. Lewis v. Rancourt*, Endorsement on appeal, July 8, 2015, Applicant’s Leave Application, Tab E4a, p. 89.

<sup>25</sup> *St. Lewis v. Rancourt*, Endorsement on appeal, July 8, 2015, Applicant’s Leave Application, Tab E4a, p. 93.

<sup>26</sup> *Ottawa Citizen*, “Rancourt walks out on ‘kangaroo trial’”, May 16, 2014, Exhibit I, Crosby Affidavit, Response, Tab 6I, pp. 97-98.

<sup>27</sup> *St. Lewis v. Rancourt*, 2014 ONSC 4840, para. 17, Applicant’s Leave Application, Tab E3a, p. 75.



C. The Substantial Indemnity Costs Award Was Warranted

44. The third issue set out in paragraph 27(iii) of the Applicant's Memorandum of Argument is:

Under what conditions are costs of trial ordered against a defendant in a defamation action unconstitutional and incompatible with Canada's obligations pursuant to the *International Covenant on Civil and Political Rights*, and did the lower courts themselves violate the applicant's right of freedom of expression with costs?

45. The obligations expressed in the *International Covenant on Civil and Political Rights* are not directly enforceable in Canadian Courts.<sup>28</sup>

46. The *Charter* is interpreted consistently with Canada's international obligations.<sup>29</sup> Article 19 of the *International Covenant on Civil and Political Rights* mandates a special duty and responsibility to respect the reputation of others when exercising freedom of expression. Accordingly, section 2(b) of the *Charter* is interpreted so that there is a proper balance between freedom of expression and the protection of reputation. In *Bou Malhab v Diffusion Métromédia CMR inc.*<sup>30</sup>, this Court held:

[16] The concept of defamation requires that the right to the protection of reputation be reconciled with the right to freedom of expression, since that which belongs to the former is generally taken away from the latter. Several international agreements reflect this need to strike a balance between the two rights. For example, the *International Covenant on Civil and Political Rights*...to which Canada is a party, makes the exercise of the right to freedom of expression subject to respect for the reputation of others...

[99] As Deschamps J. pointed out, the right to freedom of expression in Canadian and Quebec law and in various human rights instruments is not articulated as an absolute right. Limitations on the right to freedom of expression, like those designed to protect reputation or to prevent harmful speech, have long been accepted in this country and internationally. Canada is a party to the *International Covenant on Civil and Political Rights*...for example, which states in Article 19 that the right to freedom of expression may be limited if necessary to protect the rights and reputation of others.

[100] The law of defamation is one such limitation, as McLachlin C.J. pointed out in *Grant v. Torstar Corp.*, 2009 SCC 61 (CanLII), [2009] 3 S.C.R. 640...

<sup>28</sup> *Henry v. British Columbia (Attorney General)*, 2005 SCC 24 at para. 136.

<sup>29</sup> *Henry*, *supra*, para. 136.

<sup>30</sup> *Bou Malhab v. Diffusion Métromédia CMR inc.*, [2011] 1 SCR 214, paras. 16, 99-100.

47. Article 19 of the *International Covenant On Civil And Political Rights* is of no assistance to the Applicant because the exercise of the right to freedom of expression carries with it the special duty and responsibility to respect the reputation of others. The jury's finding that the Applicant acted maliciously and the jury's award of \$350,000 in damages demonstrate that the Applicant irresponsibly disrespected Professor St. Lewis' reputation.

48. Nor is the *Charter* engaged by an award of the trial costs against a malicious defendant in a libel action. Canadian Courts make large costs awards every day. Solicitor-client costs awards (referred to as substantial indemnity costs under the *Ontario Rules of Civil Procedure*) have been available to Judges for decades. Indeed, this Court ordered the Applicant to pay solicitor-client costs when it dismissed his second Leave Application.

**D. The Trial Judge Is The 4<sup>th</sup> Judge Of The Ontario Superior Court Of Justice That The Applicant Has Accused Of A Reasonable Apprehension of Bias**

49. The fourth issue set out in paragraph 27(iv) of the Applicant's Memorandum of Argument is:

Is the Canadian common law test for reasonable apprehension of bias (judicial bias) unconstitutional by virtue of being a violation of Article 14(1) of the *International Covenant on Civil and Political Rights*, and did the lower courts themselves thereby violate the applicant's right to a fair trial?

50. The test for reasonable apprehension of bias is well settled law and was recently dealt with by this Court in *Yukon Francophone School Board, Education Area #23 v Yukon (Attorney General)*<sup>31</sup>:

[21] This test — what would a reasonable, informed person think — has consistently been endorsed and clarified by this Court ...

[25] Because there is a strong presumption of judicial impartiality that is not easily displaced ...

[26] The inquiry into whether a decision-maker's conduct creates a reasonable apprehension of bias, as a result, is inherently contextual and fact-specific, and there is a correspondingly high burden of proving the claim on the party alleging bias ...

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<sup>31</sup> *Yukon Francophone School Board, Education Area #23 v Yukon (Attorney General)*, 2015 SCC 25, paras. 21, 25-26.



51. Canada's common law test for reasonable apprehension of bias does not violate Article 14 of the *International Covenant on Civil and Political Rights* which states that "all persons shall be equal before the Courts and tribunals" and provides for fair and public hearings. Further, this treaty does not override this Court's decisions setting down the law governing the determination of whether a Canadian Judge had a reasonable apprehension of bias.

52. The Applicant asked the Trial Judge to recuse himself on the ground of reasonable apprehension of bias because Justice Charbonneau obtained his university degrees from the University of Ottawa (over 38 years ago), donated money to the University of Ottawa as alumni often do, and was a former partner of the case management Judge Robert Smith (over 17 years ago). Justice Charbonneau dismissed the Applicant's recusal motion.

53. Justice Charbonneau is the fourth Judge of the Ontario Superior Court of Justice that the Applicant has accused of having a reasonable apprehension of bias against him in this libel action. In a callous ambush of Ontario Superior Court Justice Robert Beaudoin, the Applicant claimed that Justice Beaudoin had a reasonable apprehension of bias for failing to disclose that he created a scholarship in the name of his deceased son at the University of Ottawa's law school. The Applicant filed two Leave Applications with this Court regarding his shocking bias allegations against Justice Beaudoin, both of which were dismissed (the second Leave Application was dismissed by this Court with costs on a solicitor-client basis which the Applicant refuses to pay).

54. This is the Applicant's third Leave Application in which he alleges there is an issue of national importance regarding the law governing reasonable apprehension of bias which is not only meritless but also vexatious and an abuse of process.

**E. The Court of Appeal's Interpreter Did Not Violate the Applicant's French Language Rights**

55. The fifth issue set out in paragraph 27(v) of the Applicant's Memorandum of Argument is:

Did the appellate court itself violate the applicant's equal-language *Charter* rights and privileges?

56. The Applicant alleges at paragraph 24 of his Memorandum of Argument that the Court of Appeal violated his equal-language *Charter* rights and privileges on June 26, 2015 “because the language-interpretation service and facilities were defective and inadequate which in effect deprived the applicant of his allowed time to complete his submissions – see the affidavit of Denis Rancourt”.<sup>32</sup>

57. The Court of Appeal did not violate the Applicant’s language rights. The Applicant presented his oral argument in French and was heard in the language of his choice before a bilingual panel of Justices of the Court of Appeal for Ontario.

58. The amount of time allocated to the parties for oral argument by an appellate court has absolutely nothing to do with the Applicant’s language rights. The amount of time an appellate court in fact gave to a party for oral argument does not violate a language right.

59. Further, the interpreter was not present in the courtroom to assist the Applicant (who is fluently bilingual). The interpreter was present to provide translation for one of Professor St. Lewis’ counsel. There was no violation of the Applicant’s right to argue in the French language before the Court of Appeal on June 26, 2015.

**(i) The Court Of Appeal Treated The Applicant Fairly**

60. Paragraph 62 of the Applicant’s Memorandum of Argument states that the “appellate court strictly cut off the Applicant without making any remedial allocation, and the submissions therefore could not be completed”. The Applicant has deliberately failed to inform this Court of three material facts that debunk this misrepresentation:

- (i) at the commencement of his oral argument, the Applicant provided the Court of Appeal panel a hard copy of his oral argument (“Présentation orale de Denis Rancourt du 26 juin 2015”)<sup>33</sup>. This document of 12 pages contained the Applicant’s complete oral argument and was not included in the Application For Leave To Appeal;

<sup>32</sup> Applicant’s Memorandum of Argument, para 24, Leave Application, Tab F, p. 104.

<sup>33</sup> “Présentation orale de Denis Rancourt du 26 juin 2015”, Exhibit P, Crosby Affidavit, Response, Tab 6P, pp. 127-138.

- (ii) notwithstanding that the Applicant argued for the 40 minutes allocated to him<sup>34</sup>, the Court of Appeal panel also provided the Applicant additional time for reply argument; and
- (iii) the Applicant also provided the Court of Appeal panel with a second document entitled “Supporting list for June 26, 2015 hearing of the Appellant’s presentation (Appearance of bias issue)”<sup>35</sup>. This 10 page document was copied verbatim from a Supplementary Factum<sup>36</sup> that the Applicant had previously sought leave to file with the Court of Appeal, which leave was denied by Justice Laforme<sup>37</sup>. The Applicant flaunted Justice Laforme’s Order denying him leave to file supplementary written submissions by providing the “Supporting list for June 26, 2015 hearing of the Appellant’s presentation” document to the Court of Appeal panel during his oral argument.

61. Contrary to paragraphs 1 and 62-63 of the Applicant’s Memorandum of Argument, it does not lie in the Applicant’s mouth to allege “the appellate court showed animus towards the applicant” nor that the Court of Appeal’s “technical inadequacies for language interpretation into English and its conduct are offensive to Canadian societal norms of fair play and decency”. The Applicant was treated fairly by the Court of Appeal at all times and his allegations in paragraphs 62-63 are baseless and troubling.

**(ii) The Affidavit of Denis Rancourt**

62. The “Affidavit of Denis Rancourt” found at Tab G12 of his Application For Leave To Appeal is replete with irrelevant and misleading evidence and should be given no weight.

63. For instance, paragraphs 1-24 of the Affidavit set out alleged injustices taking place prior to the June 26, 2015 hearing before the panel of bilingual Justices of the Court of Appeal. Any

<sup>34</sup> Letter, Court of Appeal to Denis Rancourt, April 30, 2015, Leave Application, Tab G12, pp. 320-321.

<sup>35</sup> “Supporting list for June 26, 2015 hearing of the Appellant’s presentation (Appearance of bias issue)”, Affidavit of Denis Rancourt, Exhibit 9, Leave Application, Tab G12, pp. 331-340.

<sup>36</sup> Appellant’s Supplementary Factum dated March 6, 2015 in Court of Appeal File No. C59074, pp. 11-20 (leave to file Supplementary Factum denied), Exhibit Q, Crosby Affidavit, Response, Tab 6Q, pp. 140-150.

<sup>37</sup> Endorsement of Laforme, JA, April 13, 2015, Response, Tab 2, pp. 25-27.

events that occurred prior to the June 26<sup>th</sup> Court of Appeal hearing are irrelevant to the consideration of the Applicant's fifth ground of appeal.

64. Further, the Affidavit contains blatant misrepresentations about the hearings that took place before the lower courts, most notably a proceeding before Master MacLeod, who is not bilingual. What actually occurred before Master MacLeod is aptly set out in the Master's January 26, 2012 Amended Endorsement at Case Conference:

3) After I had ruled that the case conference was to proceed and convened the case conference, Mr. Rancourt advised the court he had changed his mind and he now wished the case conference to proceed in French. In fact he advised the court that he refused to proceed in English and would thereafter address the court in French which he proceeded to do.

4) It is arguable that Mr. Rancourt had already exercised his linguistic rights with respect to this case conference by arguing the motion in English and advising the court that he would proceed with case conferences in English and that attempting to change his mind in the middle of the proceeding is simply an abuse of process designed to obtain the adjournment he had already been refused. I am however reluctant to compel him to proceed in English because it is inefficient to add a further controversy to what has already become a highly publicized dispute. Ordinarily there are bilingual judicial officers readily available but I was unable to arrange to have another judge or master take the conference on short notice.

5) Accordingly the case conference was adjourned to a date and time to be set by the court before a bilingual master or judge...<sup>38</sup>

#### **PART IV     COSTS**

65. Paragraph 65 of the Applicant's Memorandum of Argument states that "[t]he self-represented and unemployed applicant is impecunious, cannot pay costs, and does not seek costs for the leave application."

66. The Applicant failed to inform this Court about several facts regarding his alleged impecuniosity: (i) after paying several costs awards in this libel action he transferred his 60% interest in his residential property to his wife for \$1<sup>39</sup> and thereafter refused to pay any other costs awards, including the two previous costs awards by this Court (to date the Applicant owes

<sup>38</sup> Amended Endorsement at Case Conference dated January 26, 2012, per Master MacLeod, Response, Tab 3, p.30-31.

<sup>39</sup> Land Registrar, Transfer of

hundreds of thousands of dollars in costs in this libel action); (ii) he has challenged the University of Ottawa's termination of his employment as a tenured Professor that occurred in 2009 and will be entitled to hundreds of thousands of dollars in damages if he is successful. In opposing the permanent injunction, the Applicant submitted that "he may very well get money to pay if he gets his job back".<sup>40</sup>; (iii) he is receiving donations that he solicits on his website UofOWatch (Donate to the Denis Rancourt Legal Fund"<sup>41</sup>).

67. The Learned Trial Judge's Endorsement On Costs rejected the Applicant's claim that he was impecunious as follows:

[41] The defendant's evidence that he is impecunious is self-serving at best. At his cross-examination he failed to answer most questions put to him preventing any meaningful analysis of his allegation that he has absolutely no asset to pay any portion of the costs award. The defendant's argument that there should be no costs because he is impecunious has been dismissed many times at the interlocutory stages of the proceedings. He insists on making the same argument again, thereby substantially increasing the plaintiff's legal fees and disbursements. The fact a party is impecunious is not a reason to deny costs to the successful party: see *Myers V. Toronto (Metropolitan) Police Force* [1995] OJ No. 1321(Ont Div Ct).<sup>42</sup>

68. The Applicant's allegation that he is impecunious has also been rejected twice by this Court in dismissing his previous Leave Applications with costs.<sup>43</sup> If this Leave Application is dismissed, costs should be payable by the Applicant. In light of the Applicant's omissions and misrepresentations, solicitor-client costs are warranted.

<sup>40</sup> Transcript, Charbonneau, J., Reasons for Decision (injunction motion), Applicant's Leave Application, Tab E2a, p. 59.

<sup>41</sup> See, for example, UofOWatch blog header at page 1, Exhibit J, Crosby Affidavit, Response, Tab 6J, p. 101.

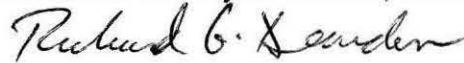
<sup>42</sup> *St. Lewis v. Rancourt*, 2014 ONSC 4840, para. 41, Applicant's Leave Application, Tab E3a, p. 71.

<sup>43</sup> Judgement and Certificate of Taxation of the Supreme Court of Canada in File No. 35305, Response, Tab 4, pp. 34-35; Judgement and Certificate of Taxation of the Supreme Court of Canada in File No. 35676, Response, Tab 5, pp. 36-38.

**PART V      ORDER REQUESTED**

69. As was the case with the Applicant's two previous Leave Applications, this Leave Application does not engage any issues of national importance. Professor St. Lewis asks that the Applicant's third Leave Application also be dismissed, with solicitor-client costs.

DATED at the City of Ottawa, in the Province of Ontario on the 29<sup>th</sup> day of October, 2015.




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Counsel for the Respondent, Joanne St. Lewis



**PART VI      TABLE OF AUTHORITIES**

|     |                                                                                                                                                                                                                    | Cited at<br>paragraphs |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| 1.  | <i>Astley v Verdun</i> , 2011 ONSC 3651                                                                                                                                                                            | 27(A), 28,<br>29       |
| 2.  | <i>Bou Malhab v Diffusion Métromédia CMR inc.</i> , [2011] 1 SCR 214                                                                                                                                               | 46                     |
| 3.  | <i>Crookes v Newton</i> , [2011] 3 SCR 269                                                                                                                                                                         | 35                     |
| 4.  | <i>Henry v British Columbia (Attorney General)</i> , 2005 SCC 24                                                                                                                                                   | 45, 46                 |
| 5.  | <i>Hill v Church of Scientology of Toronto</i> , [1995] 2 SCR 1130 (SCC)                                                                                                                                           | 30                     |
| 6.  | <i>Hill v Church of Scientology of Toronto</i> , 7 OR (3d) 489, [1992] OJ No 451 (ONSC), aff'd [1995] 2 SCR 1130 (SCC)                                                                                             | 30                     |
| 7.  | <i>Paquin v Ottawa-Carleton District School Board</i> , [2008] SCCA No 285 (SCC), refusing leave to appeal <i>Ottawa-Carleton District School Board v Scharf</i> , 2008 ONCA 154, aff'ing [2007] OJ No 3030 (ONSC) | 31                     |
| 8.  | <i>R v Livermore</i> , [1995] 4 SCR 123, [1995] SCR 123 (SCC)                                                                                                                                                      | 39                     |
| 9.  | <i>Rando Drugs Ltd v Scott</i> , 2007 ONCA 553, [2007] OJ No 2999 (ONCA)                                                                                                                                           | 40                     |
| 10. | <i>Takefman v Bier</i> , [2012] SCCA No 436 (SCC), refusing leave to appeal [2012] QJ No 9550 (QCCA), 2012 QCCA 1790, aff'ing [2012] QJ No 6092, 2012 QCCS 2851 (QCCS)                                             | 31                     |
| 11. | <i>Yukon Francophone School Board, Education Area #23 v Yukon (Attorney General)</i> , 2015 SCC 25                                                                                                                 | 12, 50                 |

**PART VII    STATUTORY AUTHORITIES*****International Covenant on Civil and Political Rights***

Found in Applicant's Leave Application, p. 124

***Canadian Charter of Rights and Freedoms*****Fundamental Freedoms**

2. Everyone has the following fundamental freedoms:
  - (a) freedom of conscience and religion;
  - (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
  - (c) freedom of peaceful assembly; and
  - (d) freedom of association.

Also, Found in Applicant's Leave Application, pp. 119-121

OTT\_LAW\5723197\8

## COURT OF APPEAL FOR ONTARIO

DATE: 20150413  
DOCKET: M44920  
(C59074)

LaForme J.A. (In Chambers)

BETWEEN

Joanne St. Lewis

Responding Party (Respondent)

and

Denis Rancourt

Moving Party (Appellant)

Denis Rancourt, in person, moving party

Richard G. Dearden and Anastasia Semenova, for the responding party

Heard: In Writing

## ENDORSEMENT

[1] The self-represented appellant served two factums in this appeal. The first – Factum of the Appellant - was 30 pages; the second - Supplementary Factum Respecting Costs – was 29 pages. The respondent wrote to this court's registrar to oppose the filing of the supplementary factum for costs on the basis that, in essence the appellant was attempting to file a 59 page factum.

[2] The registrar refused to accept the supplementary factum "without first obtaining leave to do so". Also, the appellant was directed to rule 61.03.1(17) of

the *Rules of Civil Procedure* and s. 133(b) of the *Courts of Justice Act*, R.S.O. 1990, c C43.

[3] The appellant asserts that the registrar first told him that he could file the supplementary factum and subsequently reversed this directive. He claims this amounts to unfairness and was reversed without authority. He brings this motion seeking to reverse the registrar's directive and permit the filing of the Supplementary Factum Respecting Costs.

[4] I disagree with the appellant's assertions and deny the motion for the following reasons.

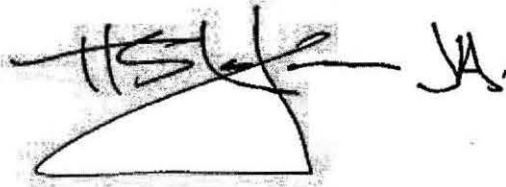
[5] First, the appellant is misguided in his interpretation of the conversation, which he claims to have recorded with the registrar. Assuming the recording of the conversation is accurate, and leaving aside the propriety of the appellant making such a recording, I do not accept that it supports the appellant's assertion. That is, the relevant portions do not support the submission that the registrar gave instructions that the supplementary factum regarding costs of the trial would be accepted.

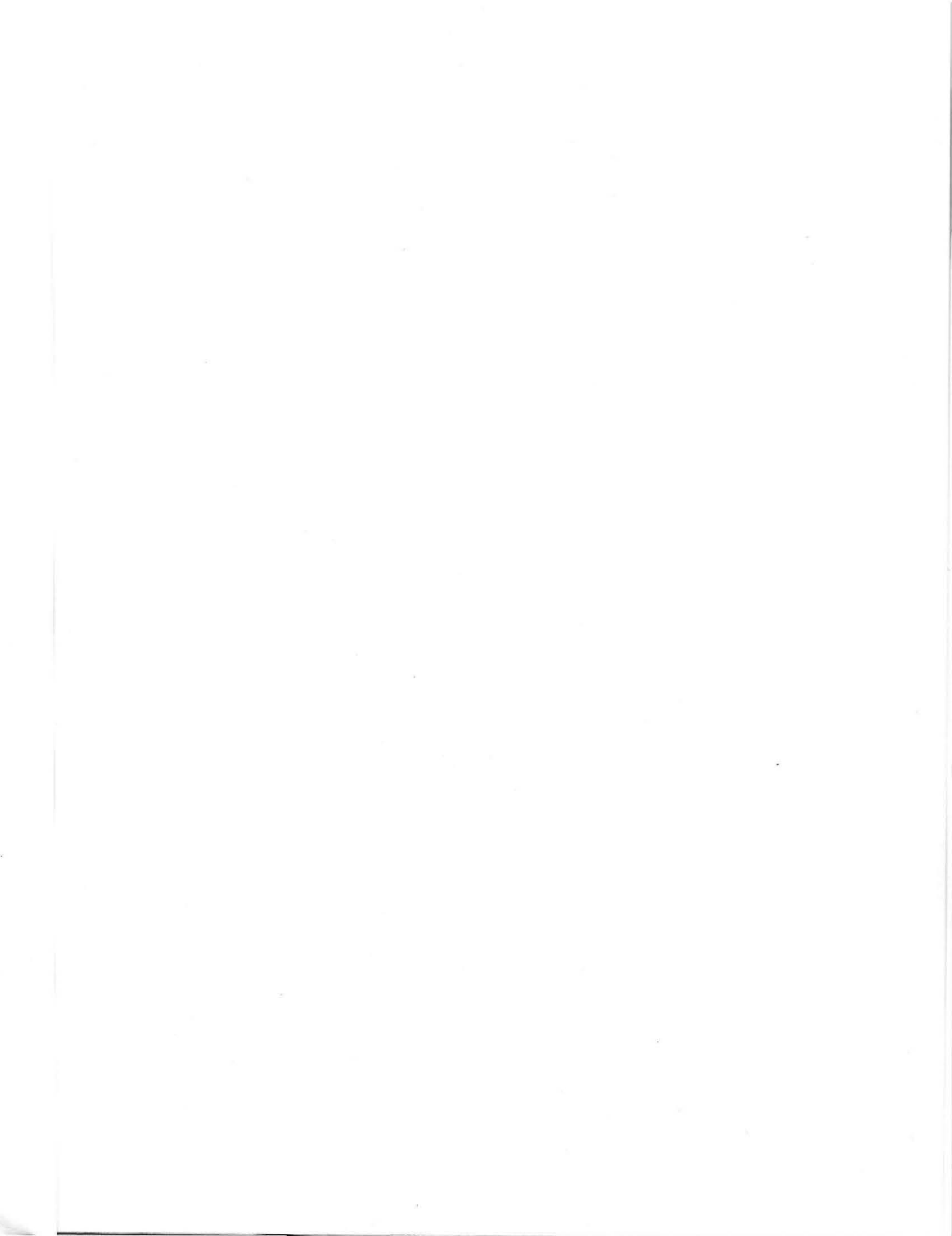
[6] Second, and contrary to the appellant's view, the appellant has no automatic right to appeal the costs order. Rather, and as the registrar correctly instructed him, leave to appeal is required by s. 133(b) of the *Courts of Justice*

*Act*, R.S.O. 1990, c C43 and rule 61.03.1(17). Significantly, the necessary request for leave is not addressed in either of the appellant's two factums.

[7] Third, practice direction 10.3 concerning civil appeals in this court is clear; a factum should not exceed 30 pages unless leave to do so is obtained from a chambers judge of this court. There is no reason given, or one that I can detect, that explains why the issues in the supplementary factum could not have been addressed within the 30 pages of the Respondent's Factum.

[8] The respondent is entitled to her costs of this motion fixed in the all-inclusive amount of \$3,000.

A handwritten signature, possibly "HSL", followed by the initials "JA.".





Court File No.: M44920  
(C59074)

COURT OF APPEAL FOR ONTARIO

THE HONOURABLE JUSTICE

LAFORME..... )THIS 13<sup>TH</sup> DAY  
)OF APRIL, 2015

BETWEEN:

JOANNE ST. LEWIS

Respondent Party (Respondent)

- and -

DENIS RANCOURT

Moving Party (Appellant)

ORDER

THIS MOTION IN WRITING by the Moving Party Denis Rancourt was heard in writing this day, at Osgoode Hall, 130 Queen Street West, Toronto, Ontario, M5H 2N5.

ON READING the Motion Record and Factum filed by the Moving Party, and the Motion Record, Factum and Authorities filed by the Respondent Joanne St. Lewis.

1. **THIS COURT ORDERS** that this motion in writing be dismissed.
2. **THIS COURT ORDERS** that the Moving Party pay to the Respondent Joanne St. Lewis the amount of \$3,000.00, inclusive of fees, disbursements and taxes.
3. **THIS BEARS INTEREST** at the rate of <sup>2</sup>/<sub>100</sub> % per annum, commencing April 13, 2015.

ENTERED AT / INSCRIPT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

APR 27 2015

PER / PAR:

*John Zyzanski*  
Registrar, Court of Appeal for Ontario

|                                            |             |
|--------------------------------------------|-------------|
| ENTERED AT OTTAWA<br>INSCRIPT A OTTAWA     |             |
| ON/LE                                      | MAY 08 2015 |
| DOCUMENT #                                 | 1231        |
| IN BOOK NO. 73-13<br>AU REGISTRE NO. 73-13 |             |

Joanne St. Lewis  
Respondent Party (Respondent)

- and - Denis Rancourt  
Moving Party (Appellant)

Court File No. M44920  
(C59074)

**COURT OF APPEAL FOR ONTARIO**

PROCEEDING COMMENCED AT  
OTTAWA

**ORDER**

**GOWLING LAFLEUR HENDERSON LLP**

Barristers & Solicitors  
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**Richard G. Dearden (LSUC #019087H)**  
**Anastasia Semenova (LSUC #60846G)**  
Counsel for Professor Joanne St. Lewis

COURT FILE NO.: 11-51657

DATE: January 26, 2012

**SUPERIOR COURT OF JUSTICE - ONTARIO**

**RE:** JOANNE ST. LEWIS, Plaintiff

**AND:**

DENIS RANCOURT, Defendant

**BEFORE:** Master MacLeod

**COUNSEL:** Richard G. Dearden, for the plaintiff

Denis Rancourt, in person

Peter Doody for the University of Ottawa

**AMENDED ENDORSEMENT AT CASE CONFERENCE**

- 1] This was a case conference convened pursuant to my order made earlier this morning. Pursuant to Rule 77, a case conference may be convened at any time at the request of a party or on the court's own initiative. One of the objectives of a case conference is to reduce the need for formal motions and another of course is to sequence events so that they can proceed as efficiently as possible.
- 2] During the motion this morning, Mr. Rancourt advised the court for the first time that notwithstanding his pleadings in English, his motion material in English, his submissions in English and the alleged defamation being in English, he would be requiring that the eventual motion or trial proceed as a bilingual hearing. He advised however that he was content to have the motion itself and any case conferences proceed in English.
- 3] After I had ruled that the case conference was to proceed and convened the case conference, Mr. Rancourt advised the court he had changed his mind and he now wished the case conference to proceed in French. In fact he advised the court that he refused to proceed in English and would thereafter address the court in French which he proceeded to do.
- 4] It is arguable that Mr. Rancourt had already exercised his linguistic rights with respect to this case conference by arguing the motion in English and advising the court that he would proceed with case conferences in English and that attempting to change his mind in the middle of the proceeding is simply an abuse of process designed to obtain the adjournment he had already been refused. I am however reluctant to compel him to proceed in English because it is inefficient to add a further controversy to what has already become a highly publicized dispute. Ordinarily there are bilingual

judicial officers readily available but I was unable to arrange to have another judge or master take the conference on short notice.

- 5] Accordingly the case conference was adjourned to a date and time to be set by the court before a bilingual master or judge. I had advised the parties that they would be required to check with the case management office at 3:30 p.m. to see if a bilingual case conference was available today unless they were notified by e-mail before that time that it was not necessary to do so. In the event, all of the judges in Ottawa were already occupied.
- 6] My colleague Master Roger is fully bilingual but he has a conflict which prevents him hearing a matter involving his former partner, Mr. Doody.
- 7] Consequently the case conference is adjourned to a date to be set by the registrar before a bilingual judge so that Mr. Rancourt may make submissions in whichever language he chooses.
- 8] The case management judge may also deal with the question of costs for today.

  
Master MacLeod

**Date:** January 26, 2012, amended 4:15 p.m. January 26, 2012

N<sup>o</sup> DU GREFFE : 11-51657

DATE : le 26 janvier 2012

**COUR SUPÉRIEURE DE JUSTICE – ONTARIO**

**EN L'AFFAIRE :** JOANNE ST. LEWIS, demanderesse

**ET :**

DENIS RANCOURT, défendeur

**DEVANT :** Le protonotaire MacLeod

**AVOCATS :** M<sup>re</sup> Richard G. Dearden, pour la demanderesse

M. Denis Rancourt, pour lui-même

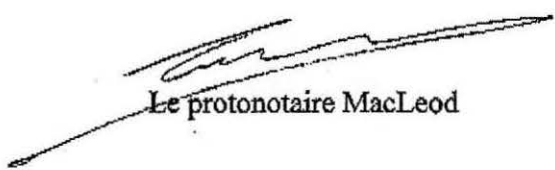
M<sup>re</sup> Peter Doody, pour l'Université d'Ottawa

**INSCRIPTION MODIFIÉE DE LA CONFÉRENCE RELATIVE À LA CAUSE**  
**(TRADUCTION)**

- 1) La conférence en l'espèce a été convoquée en vertu de l'ordonnance que j'ai rendue plus tôt ce matin. En vertu de la Règle 77, une conférence relative à la cause peut être convoquée à n'importe quel moment à la demande de l'une des parties ou à l'initiative du tribunal. La tenue d'une conférence relative à la cause vise entre autres buts à réduire le nombre de motions formelles ainsi qu'à coordonner la procédure afin d'en assurer le déroulement efficace.
- 2) Pendant l'audition de la motion ce matin, monsieur Rancourt a fait savoir au tribunal pour la première fois qu'il entendait exiger – nonobstant ses actes de procédures en langue anglaise, ses documents de motion en langue anglaise, ses représentations en langue anglaise, et le fait que la diffamation alléguée ait été elle-même faite en anglais – que l'ultime motion ou procès soit entendu comme une affaire bilingue. Il a toutefois fait savoir au tribunal qu'il était gré à ce que la motion elle-même ainsi que toute conférence relative à la cause procèdent en anglais.
- 3) Après que le tribunal a conclu que la conférence relative à la cause devait procéder et a convoqué celle-ci, monsieur Rancourt a fait savoir au tribunal qu'il s'était ravisé, et qu'il souhaitait maintenant que la conférence relative à la cause se déroule en français. En fait, il a fait savoir au tribunal qu'il refusait de procéder

en anglais, et entendait par la suite s'adresser au tribunal en français, ce qu'il a effectivement fait.

- 4) L'on pourrait certes faire valoir que monsieur Rancourt a déjà exercé ses droits linguistiques à l'égard de la présente conférence relative à la cause lorsqu'il a plaidé la motion en anglais et a fait savoir au tribunal qu'il acceptait que les conférences relatives à la cause se déroulent en anglais, et que sa marche arrière en pleine audition constitue un abus de procédure visant à obtenir l'ajournement que le tribunal lui a préalablement refusé. J'hésite toutefois à forcer monsieur Rancourt à procéder en anglais, car ce faire serait contraire au déroulement efficace de la procédure et ne ferait qu'ajouter un nouvel élément de controverse à un litige déjà très médiatisé. Normalement, des fonctionnaires judiciaires bilingues sont disponibles; malheureusement, aucun autre juge ou protonotaire n'a été en mesure de se substituer à moi afin de présider à la dernière minute la conférence relative à la cause.
- 5) Ainsi, la conférence relative à la cause a été ajournée à une date et à une heure qui sera déterminée par le greffe, afin que l'audition soit présidée par un protonotaire ou un juge bilingue. J'avais fait savoir aux parties que je m'attendais à ce qu'elles communiquent avec le bureau de gestion des causes à 15 h 30 afin de s'enquérir si un fonctionnaire judiciaire bilingue était en mesure de présider une conférence relative à la cause aujourd'hui même, à défaut d'avoir préalablement reçu un courriel leur indiquant qu'elles n'étaient pas tenues de ce faire. Quoiqu'il en soit, aucuns des juges d'Ottawa n'étaient disponibles.
- 6) Bien que mon confrère, le protonotaire Roger, est tout à fait bilingue, il ne peut pas, par déontologie professionnelle, présider en l'espèce comme M<sup>e</sup> Doody et lui sont d'anciens associés de cabinet d'avocats.
- 7) Par conséquent, la conférence relative à la cause est reportée à une date que fixera le greffier afin que celle-ci puisse être présidée par un juge bilingue, ce qui permettra à monsieur Rancourt de faire ses représentations dans la langue de son choix.
- 8) Le juge de gestion de la cause pourra alors également traiter de la question des dépens liés à l'audience d'aujourd'hui.

  
Le protonotaire MacLeod

Date : le 26 janvier 2012, modifiée le 26 janvier 2012 à 16 h 15.



Supreme Court of Canada

Cour suprême du Canada



No. 35305

July 4, 2013

Le 4 juillet 2013

Coram: McLachlin C.J. and Cromwell and  
Wagner JJ.

Coram : La juge en chef McLachlin et les  
juges Cromwell et Wagner

**BETWEEN:****ENTRE :**

Denis Rancourt

Denis Rancourt

Applicant

Demandeur

- and -

- et -

Joanne St. Lewis and University of Ottawa

Joanne St. Lewis et l'Université d'Ottawa

Respondents

Intimées

**JUDGMENT****JUGEMENT**

The application for leave to appeal from the judgment of the Ontario Superior Court of Justice, Number 11-51657, 2012 ONSC 6768, dated November 29, 2012, is dismissed with costs.

La demande d'autorisation d'appel du jugement de la Cour supérieure de justice de l'Ontario, numéro 11-51657, 2012 ONSC 6768, daté du 29 novembre 2012, est rejetée avec dépens.

J.S.C.C.  
J.C.S.C.





Supreme Court of Canada

Cour suprême du Canada



No. 35305

**BETWEEN:**

Denis Rancourt

Applicant

- and -

Joanne St. Lewis and University of Ottawa

Respondents

**ENTRE :**

Denis Rancourt

Demandeur

- et -

Joanne St. Lewis et Université d'Ottawa

Intimées

I hereby certify that the costs of the respondent, Joanne St. Lewis, have been taxed and allowed in the sum of two thousand six hundred three dollars and sixty-three cents (\$2,603.63).

Je certifie par les présentes que les frais de l'intimée, Joanne St. Lewis, ont été taxés et que leur montant a été fixé à deux mille six cent trois dollars et soixante-trois cents (2 603,63\$).

**DEPUTY REGISTRAR OF THE  
SUPREME COURT OF CANADA**

**REGISTRAIRE ADJOINTE DE LA  
COUR SUPRÊME DU CANADA**

Dated this 23rd day of August 2013.

Fait le 23e jour d'août 2013.



Supreme Court of Canada

Cour suprême du Canada



No. 35676

March 6, 2014

Le 6 mars 2014

Coram: Rothstein, Moldaver and  
Karakatsanis JJ.

Coram : Les juges Rothstein, Moldaver et  
Karakatsanis

**BETWEEN:****ENTRE :**

Denis Rancourt

Denis Rancourt

Applicant

Demandeur

- and -

- et -

Joanne St. Lewis and University of Ottawa

Joanne St. Lewis et Université d'Ottawa

Respondents

Intimées

**JUDGMENT****JUGEMENT**

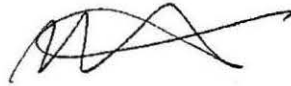
The motion for leave to intervene by the Ontario Civil Liberties Association is dismissed with costs on a solicitor and client basis to the respondent Joanne St. Lewis and with costs on a party and party basis to the respondent University of Ottawa. The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C56905, 2013 ONCA 701, dated November 8, 2013, is dismissed with costs on a solicitor and client basis to

La requête en autorisation d'intervenir de l'Ontario Civil Liberties Association est rejetée avec dépens sur la base procureur-client en faveur de l'intimée Joanne St. Lewis et avec dépens entre parties en faveur de l'intimée Université d'Ottawa. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C56905, 2013 ONCA 701, daté du 8 novembre 2013, est rejetée avec dépens sur la base procureur-client en faveur de

No. 35676

the respondent Joanne St. Lewis and with  
costs on a party and party basis to the  
respondent University of Ottawa.

l'intimée Joanne St. Lewis et avec dépens  
entre parties en faveur de l'intimée  
Université d'Ottawa.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

J.S.C.C.  
J.C.S.C.



Supreme Court of Canada

Cour suprême du Canada



No. 35676

**BETWEEN:**

Denis Rancourt

Applicant

- and -

Joanne St. Lewis and University of Ottawa

Respondents

**ENTRE :**

Denis Rancourt

Demandeur

- et -

Joanne St. Lewis et Université d'Ottawa

Intimées

I hereby certify that the costs of the respondent, Joanne St. Lewis, have been taxed and allowed in the sum of eighteen thousand eight hundred fifteen dollars and thirty-two cents (\$18,815.32).

Je certifie par les présentes que les frais de l'intimée, Joanne St. Lewis, ont été taxés et que leur montant a été fixé à dix-huit mille huit cent quinze dollars et trente-deux cents (18 815,32\$).

DEPUTY REGISTRAR OF THE  
SUPREME COURT OF CANADA

REGISTRAIRE ADJOINT DE LA  
COUR SUPRÊME DU CANADA

Dated this 5th day of March 2015.

Fait le 5e jour de mars 2015.

**IN THE SUPREME COURT OF CANADA  
(On Appeal from the Ontario Court of Appeal)**

BETWEEN:

**DENIS RANCOURT**

**APPLICANT**  
(Appellant/Defendant)

-and-

**JOANNE ST. LEWIS**

**RESPONDENT**  
(Respondent/Plaintiff)

---

**AFFIDAVIT OF LAUREN CROSBY**

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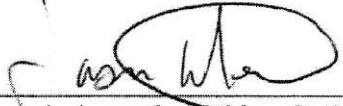
I, Lauren Crosby, of the City of Ottawa in the Province of Ontario MAKE OATH AND SAY :

1. I am an articling student with the law firm of Gowling Lafleur Henderson LLP ("Gowlings"), counsel for the Plaintiff, Joanne St. Lewis. As such, I have knowledge of the matters sworn to in this affidavit. Where my knowledge is based on information and belief, I have identified the source of my knowledge and I verily believe it to be true.
2. Attached as **Exhibit "A"** is a screenshot of Denis Rancourt's Facebook page.
3. Attached as **Exhibit "B"** is a copy of Denis Rancourt's blog post "Did Professor Joanne St. Lewis Act As Allan Rock's House Negro?" (February 11, 2011).
4. Attached as **Exhibit "C"** is a copy of Denis Rancourt's blog post "Top Dog Canadian Freedom of the Press Lawyer Targets UofOWatch Blog" (May 18, 2011).

5. Attached as **Exhibit "D"** is a copy of the Ontario Civil Liberties Association Self-represented Litigants Working Group webpage, online: OCLA <<http://ocla.ca/our-work/working-groups/ocla-for-slrs-group/>>.
6. Attached as **Exhibit "E"** of the Ontario Civil Liberties Association's Founding Principles (September 18, 2012), online: OCLA <<http://ocla.ca/about/founding-principles/>>.
7. Attached as **Exhibit "F"** is a copy of an article by Denis Rancourt entitled "U of O law professor Joanne St. Lewis sues Rancourt for \$1 million, will give half to a law student scholarship fund" (June 23, 2011), online: UofOWatch <<http://uofowatch.blogspot.ca/2011/06/u-of-o-law-professor-joanne-st-lewis.html>>, Trial Exhibit P-2 (Tab 50).
8. Attached as **Exhibit "G"** is a copy of an article by Denis Rancourt entitled "Why I walked out of the trial in which I am being sued" (May 17, 2014), online: UofOWatch <<http://uofowatch.blogspot.ca/2014/05/why-i-walked-out-of-trial-in-which-i-am.html>>, Trial Exhibit R-5.
9. Attached as **Exhibit "H"** is an excerpt from the Proceedings at Trial Transcript dated May 16, 2014 in Court File No. 11-51657.
10. Attached as **Exhibit "I"** is a copy of the *Ottawa Citizen* article entitled "Rancourt walks out on 'kangaroo trial'" (May 16, 2014), Trial Exhibit R-3.
11. Attached as **Exhibit "J"** is a copy of an article by Denis Rancourt entitled "Cynthia McKinney's petition "Give a Fair Court Hearing to Denis Rancourt" surpasses 1000 signatures" (June 16, 2014), online: UofOWatch <<http://uofowatch.blogspot.ca/2014/06/cynthia-mckinneys-petition-give-fair.html>>. The article contains a link to Cynthia McKinney's petition on Change.org, which contains a link to **Exhibit "K"** (the YouTube video by Hazel Gashoka entitled "Hazel Gashoka Speaks Out on SAC and St. Lewis Reports").

12. Attached as **Exhibit "L"** is a screenshot of the archive.org page where Denis Rancourt posted recusal motion documents (<https://archive.org/details/post--2014-05-07--all-court-filed--D-Recusal-Motion>).
13. Attached as **Exhibit "M"** is a copy of an article by Denis Rancourt entitled "'Free Speech is Dead in Canada (video)' -- Brave The World" (July 22, 2015), online: UofOWatch <<http://uofowatch.blogspot.ca/2015/07/free-speech-is-dead-in-canada-video.html>>.
14. Attached as **Exhibit "N"** is a copy of an article by Denis Rancourt entitled "St. Lewis v. Rancourt defamation case: Rancourt files Application for leave to appeal to the Supreme Court of Canada" (September 28, 2015), online: UofOWatch <<http://uofowatch.blogspot.ca/2015/09/st-lewis-v-rancourt-defamation-case.html>>.
15. Attached as **Exhibit "O"** is a disk containing a copy of a video by BraveTheWorld (Julia Tourianski) entitled "Free Speech is Dead in Canada" (published on July 22, 2015), online: YouTube <[https://www.youtube.com/watch?v=hRFm\\_hGXrnQ](https://www.youtube.com/watch?v=hRFm_hGXrnQ)>.
16. Attached as **Exhibit "P"** is a copy of "Présentation orale de Denis Rancourt du 26 juin 2015" dated June 26, 2015.
17. Attached as **Exhibit "Q"** are copies of pages 11-20 of Denis Rancourt's Supplementary Factum dated March 6, 2015 in Court of Appeal File No. C59074.
18. Attached as **Exhibit "R"** are copies of transfer documents showing the transfer of Denis Rancourt's interest in the property

SWORN before me at the City of Ottawa,  
this 29th day of October, 2015.

  
Commissioner for Taking Oaths

Jason Joseph Daniel Mercier,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires April 9, 2017.

  
LAUREN CROSBY



Joanne St. Lewis

Respondent (Respondent)

- and - Denis Rancourt

Applicant (Appellant)

File Number: 36653

Appealed From: C59074

**IN THE SUPREME COURT OF CANADA  
(On Appeal from the Ontario Court of Appeal)**

PROCEEDING COMMENCED AT  
OTTAWA

**AFFIDAVIT OF LAUREN CROSBY**

**GOWLING LAFLEUR HENDERSON LLP**

Barristers & Solicitors

Suite 2600

160 Elgin Street

Ottawa ON K1P 1C3

Tel: (613) 786-0135

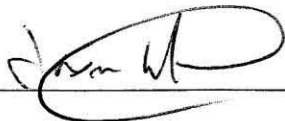
Fax: (613) 788-3430

**Richard G. Dearden (LSUC #019087H)**

**Anastasia Semenova (LSUC#60846G)**

Counsel for the Respondent Joanne St. Lewis

THIS IS EXHIBIT "A"  
TO THE AFFIDAVIT OF  
**LAUREN CROSBY**  
AFFIRMED BEFORE ME  
THIS 29<sup>th</sup> DAY OF OCTOBER, 2015



A Commissioner for Taking Oaths

**Jason Joseph Daniel Mercier,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires April 9, 2017.**

See All Messages

Search

Home Account Settings



Ana Stasia

## Denis Rancourt

Lives in Ottawa, Ontario From North Bay, Ontario

### Philosophy

Religious Views



Atheist

Political Views

Anarchist

Favorite Quotations

"An education obtained with money is worse than no education at all."

--Socrates

"To succeed in the world it is not enough to be stupid, you must also be well-mannered." -- Voltaire

### Arts and Entertainment

Music



Brad Morden



Erin Saoirse Adair



Three Little Birds



John Carroll

Books



Paved with Good

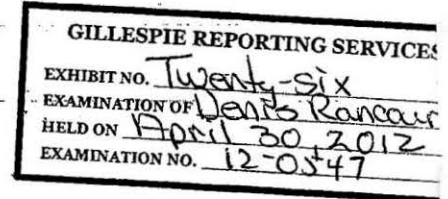
### Activities and Interests

Activities



Anarchy

To practice anarchy is to work towards supporting and creating participatory democracy and to oppose oppression of the individual by dominance hierarchies.



Wall

Info

Photos

Friends

Subscriptions (1)

### Friends (447)



Joseph Hickey  
University of Ottawa



Kimberly Elyse...



Joshua Blakeney



Edward Lee Dur...  
UBC



Amandine Chen



Jacques Drolet



Jane Scharf



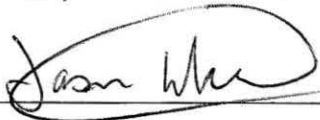
Jennifer Scharf  
University of Ottawa



Alan Gasser

Jason Kunin

THIS IS **EXHIBIT "B"**  
TO THE AFFIDAVIT OF  
**LAUREN CROSBY**  
AFFIRMED BEFORE ME  
THIS 29<sup>th</sup> DAY OF OCTOBER, 2015

A handwritten signature in black ink, appearing to read "Jason Mercier", is written over a horizontal line.

A Commissioner for Taking Oaths

**Jason Joseph Daniel Mercier,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires April 9, 2017.**

WATCH: Did Professor Joanne St. Lewis act as Allan Rock's house negro?

Did Professor Joanne St. Lewis act as Allan Rock's house negro?

Share Report Abuse Next Blog»

## U OF O WATCH

"One knows that the university and in a general way, all teaching systems, which disseminate knowledge, are made to maintain a certain social class in power, and to exercise the power of another social class. It seems to me that the real political task in a society is to criticise the workings of institutions, which appear to be both neutral and independent, in such a manner that the political violence which has always exercised itself obscurely be unmasked, so that one can fight against them." -- Foucault, debating Chomsky

"An education obtained with money is worse than no education at all." -- Socrates



ethics of the bosses HERE.

ALAN ROCK JOANNE ST. LEWIS WATCH

### 1 Did Professor Joanne St. Lewis act as Allan Rock's house negro?



The central ac Photo credit: U

### 2 February is Black History Month in Canada and the US. UofOWatch believes that it is the right time not only to honour Black Americans who fought for social justice against masters but also to out Black Americans who were and continue to be house negroes to masters.

The term "house negro" was defined by Malcolm X in his famous "The House Negro and the Field Negro" speech (see video below).

### 3 The same spirit prevailed when civil rights icon Ralph Nader suggested that US President Obama needed to decide if he was

click image for ethical breach

- January (3)
- ▼ February (9)
  - How sad is this? U of O news release pushes the fire
  - U of O in top 25 Spending student tuition money
  - Found hiding under a Rock: More on Coulter saga
  - U of O "2 for 1 law degrees" scam was not approved
  - Did Professor Joanne St. Lewis act as Allan Rock's
  - U of O hijacked by Israeli Senator hot on the fire
  - Update: UofOWatch documented ethical breaches
  - 3!
  - Motion for March 7th U of O Senate meeting Tran
  - Is U of O a blood money U?

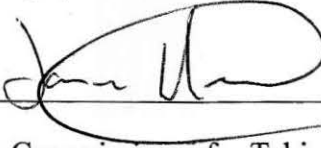
- March (15)
- April (11)
- May (14)
- June (13)
- July (1)
- August (10)
- September (7)
- October (13)
- November (7)

- 52 prefs (3)
- academic fraud (1)
- academic freedom (23)
- ACFAS (1)
- activism course (19)
- Agnes Whitfield (1)
- Alain Roussy (2)
- Alan Rock (82)
- Alan St-Amant (5)
- Amalia Savva (1)

watch.blogspot.com/2011/02/did-professor-joanne-st-lewis-act-as.html[11/7/2011 8:20:47 PM]

ssor-joanne-st-lewis-act-as.html[11/7/2011 8:20:47 PM]

THIS IS **EXHIBIT "C"**  
TO THE AFFIDAVIT OF  
**LAUREN CROSBY**  
AFFIRMED BEFORE ME  
THIS 29<sup>th</sup> DAY OF OCTOBER, 2015

A handwritten signature in black ink, appearing to read 'Jason U', is written over a horizontal line.

A Commissioner for Taking Oaths

**Jason Joseph Daniel Mercier,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires April 9, 2017.**

O WATCH: Top dog Canadian freedom of the press lawyer targets UofOWatch blog

Share Report Abuse Next Blog»

## U OF O WATCH

"One knows... that the university and in a general way, all teaching systems, which disseminate knowledge, are made to maintain a certain social class in power, and to exclude the power of another social class. It seems to me that the real political task in a society is to criticise the workings of institutions, which appear to be both neutral and independent; to do them in such a manner that the political violence which has always exercised itself obscurely, be unmasked, so that one can fight against them." -- Foucault, debating Chomsky

"An education obtained with money is worse than no education at all." -- Socrates



Top dog Canadian freedom of the press lawyer targets UofOWatch blog



[Richard G. Dearden; Gowling Lafleur Henderson LLP]

This very blog, the UofOWatch blog, has received a threat of legal action, again.

### Short history of past threats against this blog:

- The first such threat was in 2007 from the University of Ottawa VP-Resources Victor Simon using the BLG law firm directed in Ottawa by Marc Jolicoeur who, at the time, was President of the university's Board of Governors (BOG). [HERE](#) is that Notice of Libel (alternate link). And [HERE](#) is the blog post that prompted it, and [HERE](#).
- Jolicoeur continued to mix work with community service

of the press lawyer targets UofOWatch blog

Lewis and Allan Rock  
president@uottawa.ca,

Lewis,

UofOWatch professor, please inform me of

corrections or comments for posting.

1:26 PM

St. Lewis and Allan Rock  
president@uottawa.ca,

league Robert Major so he can verify the

4 PM, Denis Rancourt wrote:

Lewis,

UofOWatch professor, please inform me of

corrections or comments for posting.

The central ac  
Photo credit: U

es to arbitration

ANNE ST LEWIS 440 RM RICHARD



click image for  
ethical breach

► January (3)

► February (9)

► March (15)

► April (11)

▼ May (14)

Rancourt case - Arbitration  
hearing day 4 - Repr

U of O media relations  
manager on academic  
freedom

Ottawa university presidents  
Rock and Runcie make a

Rock attempt to manipulate  
senate minutes on leave

U of O union-busting posturing  
against part-time p

U of O and big pharma -  
"Medication" for better &

Featured comment by former U  
of O professor Steve

Got another human rights  
tribunal case filed to U of O

Top dog Canadian freedom of  
the press lawyer target

Rock's U of O transparency  
challenged, since 20

UofOWatch update - Richard  
Dearden promises to su

Law society acknowledges  
ethical breaches by lawyers

Rock's senate - Democratic in  
name

U of O student union clique  
election coup

► June (13)

► July (1)

► August (10)

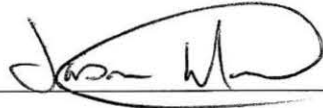
► September (7)

► October (13)

► November (7)



THIS IS **EXHIBIT "D"**  
TO THE AFFIDAVIT OF  
**LAUREN CROSBY**  
AFFIRMED BEFORE ME  
THIS 29<sup>th</sup> DAY OF OCTOBER, 2015



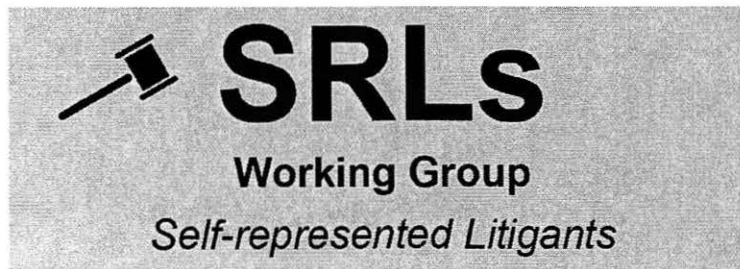
A Commissioner for Taking Oaths

**Jason Joseph Daniel Mercier,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires April 9, 2017.**

## OCLA

*Ontario Civil Liberties Association*

### OCLA for SRLs Working Group



\* Join this working group online at our [FACEBOOK group](#)!



The Ontario Civil Liberties Association is proud to launch its working group project for the rights and interests of self-represented litigants (SRLs).

Follow the links below or scroll down to read more:

- [Context](#)
- [OCLA's Role](#)
- [Position Statement](#)
- [Examples](#)
- [Lobbying for Resources](#)
- [Join Group](#)



## Context

Self-represented and unrepresented litigants represent a large group of litigants in Ontario courts.

The OCLA is committed to advancing the rights and interests of SRLs who, for whatever reason, choose to represent themselves or to be unrepresented.

The Ontario courts are not a level litigation field for unrepresented litigants. The courts do not fairly accommodate citizens who choose to represent themselves, but rather present a palpable and often overt negative bias against the unrepresented plaintiff or defendant.

This is a systemic problem rooted in the closed environment of the legal profession in which lawyers and judges, tied by mutual professional and social relationships, work together to manage ordinary citizens.

Ontario is a backward jurisdiction in terms of treating SRLs, and its courts are both refractory and biased against SRLs. Rather than provide needed resources to SRLs, such as the funded drop-in centers of British Columbia, Ontario's focus is one of "managing the problem of SRLs" via such methods as: "educating judges", "developing practice guidelines", "steering unrepresented litigants towards representation", "steering self-represented litigants toward mediation", excessive interventional use of "case management" powers, and "putting more pamphlets on-line".

The problem for SRLs is exacerbated by the fact that Ontario's *Rules of Civil Procedure* (the rules of the court) need not be followed by judges who have the power to modify any rule "to secure the just, most expeditious and least expensive determination of every civil proceeding on its merits". In practice, this has two major negative consequences for SRLs:

- (i) The SRL cannot depend on what appear to be set procedural rules, but rather can find himself/herself before unforeseen circumstances imposed at the last minute; and
- (ii) Given the systemic bias against SRLs, the judicial "rule bending" is often applied under the unstated assumption that the SRL is being or could otherwise be unreasonable; as the judge is urged on, of course, by opposing counsel.

The Canadian *Charter of Rights and Freedoms* enshrines every litigant's right to "equality before and under the law" but this has little meaning in practice in Ontario unless self-represented litigants individually and collectively advance and defend their right for fair treatment in the courts.

Thus, there is a very real need for self-represented litigants (SRLs) to organize in order to advocate for their rights and interests, and to share resources, knowledge, and experience. The OCLA offers a forum for such organization and representation.

[\[Top of page\]](#)



## OCLA's Role

The OCLA understands that the rights and interests of SRLs is a political question that necessarily challenges the legal establishment, its statutory structures, and its professional associations. As such, self-represented litigants need a strong and independent voice.

The OCLA wishes to facilitate the development of this voice, to the benefit of both individual self-represented litigants and SRLs as a group. The OCLA proposes regular meetings of Ottawa area unrepresented litigants for the purpose of self-help and advancing common interests. The OCLA can provide logistic support for exercising political and administrative pressures, and is happy to facilitate communications and resource-sharing between litigants.

The OCLA may initiate and oversee a database of complaints by SRLs, for the purpose of identifying problem areas and priorities.

[\[Top of page\]](#)

## Position Statement

The OCLA's position is that, whether right or wrong, guilty or innocent, every self-represented litigant has a right to a fair and transparent process.

Further, it is OCLA's position that, in view of the systemic bias against SRLs, and in view of the intrinsic disadvantages of SRLs within the adversary system of the law, SRLs have a right to reasonable special accommodations, both procedural and in-court.

[\[Top of page\]](#)

## Examples

The OCLA's position is that no SRL should ever be treated with disrespect by a judge, master, or lawyer, inside or outside the courtroom. This includes such "small" matters as being referred to as "he" or "she" in open court, rather than by proper name and/or title.

The OCLA's position is that no procedural rule should be altered to the disadvantage of the SRL (as judged by the SRL), without reasonable judicial prior notice.

The OCLA's position is that judges should consider in detail any SRL's complaint about the professional conduct of a lawyer involved in the case, and should make corresponding findings, with reasons, in view of alerting the Law Society of Upper Canada, or in view of other appropriate measures or directives.

The OCLA's position is that no SRL should ever be imposed to argue more than one filed motion or application per day, and that there should be allowed at least four days between motions argued by a given SRL.

The OCLA's position is that lawyers opposing SRLs should, in giving any advisements, always support their positions with cited relevant rules/directives and/or case law relied on, rather than simply stating the position as a directive or ultimatum without the legal basis.

[\[Top of page\]](#)

## Lobbying for Resources

The OCLA will advocate for resources to be allocated for helping SRLs to be better SRLs, such as drop-in resource centers for SRLs housed in the courtrooms and equipped with computers, legal databases, small meeting rooms, and so on.

The OCLA will advocate for an Ombudsperson position to be created (possibly affiliated with the Office of the

Ontario Ombudsman), to oversee the needs and complaints of SRLs, and to regularly evaluate the extent to which SRL needs are being addressed by the legal system.

[\[Top of page\]](#)



## Join Group

Contact OCLA-SLRs Workgroup Coordinator, Denis Rancourt to receive announcements about the Working Group's activities: [denis.rancourt@gmail.com](mailto:denis.rancourt@gmail.com)

### 3 Responses to OCLA for SRLs Working Group



**Matthew Fournier** says:

March 2, 2013 at 3:47 pm

The SRL working group sounds very important. As far as I can tell, as it stands now "all are equal before the law" but not all are equal before the lawyers.



**Said Boukendour** says:

August 16, 2013 at 6:45 pm

All are equal before the law is more a propaganda than reality. In fact, courts belong to powerful groups. Fighting for justice is an endless effort.



**Said Boukendour** says:

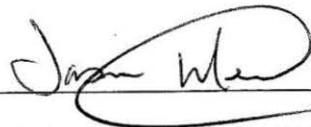
August 21, 2013 at 8:36 pm

Experiencing the injustice of justice is like torture. Your working group is a wonderful initiative to cope with this experience, to provide support and to take collective action.

---

OCLA

THIS IS EXHIBIT "E"  
TO THE AFFIDAVIT OF  
**LAUREN CROSBY**  
AFFIRMED BEFORE ME  
THIS 29<sup>th</sup> DAY OF OCTOBER, 2015

A handwritten signature in black ink, appearing to read "Jason Mercier", is written over a horizontal line.

A Commissioner for Taking Oaths

**Jason Joseph Daniel Mercier,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires April 9, 2017.**

# OCLA

*Ontario Civil Liberties Association*

## Founding Principles

There is a crying need in Ontario for a civil liberties association that stands for civil liberties.

We distinguish an individual's societal influence by expression from an individual's actuated power that derives from his/her institutional hierarchical position.

We hold that the individual's societal influence by expression, not structurally derived from the institutional and organizational hierarchy, is an absolute right, irrespective of race, gender, orientation, etc.

We believe that societal health depends on the individual's absolute right to free expression.

We defend all individual expression as an absolute right no matter how unacceptable it may appear to others.

We support individual free expression regardless of its form or content.

We oppose all state and corporate censorship, including employer gag orders on employees.

We oppose all forms of societal mobbing that have the effect of censorship.

Regarding controversial issues of the day, we support the right to:

- all individual expression critical of any state, including Israel and Iran;
- all individual expression critical of any religion or culture, including Judaism, Islam, and Christianity;
- all individual expression critical of any sexual orientation, including straight and queer;
- all individual expression critical of both sides of the abortion conflict, including pro-life and pro-choice;
- all individual expression critical of any public policy or law, including liberal or conservative;
- all individual expression of emotions, including hate and love;
- all individual expression about criminal behaviour, including expression about child pornography, genocide, war, slavery, and serial murder;
- all individual expression critical of any person, including public figures, neighbours, and colleagues.

Sept. 18, 2012  
Ottawa, Ontario

THIS IS **EXHIBIT "F"**  
TO THE AFFIDAVIT OF  
**LAUREN CROSBY**  
AFFIRMED BEFORE ME  
THIS 29<sup>th</sup> DAY OF OCTOBER, 2015



A Commissioner for Taking Oaths

**Jason Joseph Daniel Mercier,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
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## U OF O WATCH

THIS SITE IS DEVOTED TO TRANSPARENCY AT THE UNIVERSITY OF OTTAWA, OTTAWA, CANADA. UOFOWATCH EXPOSES INSTITUTIONAL BEHAVIOUR THAT IS NOT CONSISTENT WITH THE PUBLIC GOOD.

U OF O WATCH MISSION, IN THE WORDS OF FOUCAULT...

*"One knows ... that the university and in a general way, all teaching systems, which appear simply to disseminate knowledge, are made to maintain a certain social class in power, and to exclude the instruments of power of another social class. ... It seems to me that the real political task in a society such as ours is to criticise the workings of institutions, which appear to be both neutral and independent; to criticise and attack them in such a manner that the political violence which has always exercised itself obscurely through them will be unmasked, so that one can fight against them." -- Foucault, debating Chomsky, 1971.*

U OF O WATCH MISSION, IN THE WORDS OF SOCRATES...

*"An education obtained with money is worse than no education at all." -- Socrates*

VIDEO OF PRESIDENT ALLAN ROCK AT WORK



DONATE TO THE DENIS RANCOURT LEGAL FUND

THURSDAY, JUNE 23, 2011

U of O law professor Joanne St. Lewis sues Rancourt for \$1 million, will give half to a law student scholarship fund

Donate



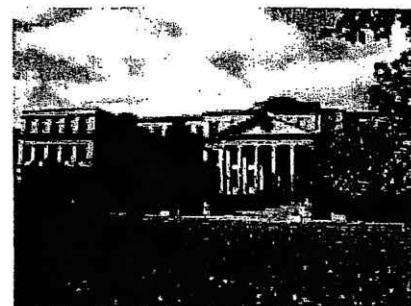
Denis Rancourt Legal Fund



This is an update to the St. Lewis matter reported on this U of O Watch blog. As background, all related posts on the matter are [HERE](#).

A *Statement of Claim* (SOC) was filed today with the *Ontario Superior Court of Justice*. The Court File No. for the SOC is 11-51657 and the SOC has been posted [HERE](#) (1.4 MB PDF)

TABARET HALL - U OF O



The central admin building in the fall.  
Photo credit: University of Ottawa

file).

Law professor Joanne St. Lewis is suing former physics professor Denis Rancourt for \$1 million dollars for the posts about St. Lewis on this blog.

It appears from the SOC that the claimed damages to St. Lewis have arisen from Google's placement of one of the U of O Watch blog articles?

Paragraph-60 of the SOC states:

*"The Defendant's conduct and actions are reprehensible insulting, high-handed, spiteful, and outrageous. Such conduct warrants condemnation by this Court by means of an award of punitive damages. Professor St. Lewis will rely upon the entire conduct of the Defendant before and after the May 16, 2011 Notice to the date of judgment in this action. In the event that punitive damages are awarded against the Defendant, Professor St. Lewis will donate half of the award of punitive damages to the Danny Glover Routes To Freedom Graduate Law Student Scholarship Fund."*

Another statement in the SOC (Par.51) is:

*"The Defendant defamed Professor St. Lewis in furtherance of his personal animosity towards President Allan Rock and the University of Ottawa which terminated him as a Professor."*

POSTED BY DENIS RANCOURT AT 7:39 PM  
LABELS: JOANNE ST. LEWIS, LEGAL ACTION, RACISM, RICHARD DEARDEN

#### 14 COMMENTS:

Anonymous said...

A Diversion From the Real Problem of systemic racism at U of Zero!

JUNE 25, 2011 AT 12:05 AM

Anonymous said...

Systemic racism issues aside, As a recent Black Female law graduate, I am EXTREMELY excited that legal action is being

U OF O PRESIDENT ALLAN ROCK



click image for updated posted list of ethical breaches of Allan Rock

U OF O WATCH - CREATING TRANSPARENCY



DENIS RANCOURT

Email Denis Rancourt.

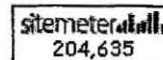
VIEW MY COMPLETE PROFILE

#### DISCLAIMER:

Unless otherwise stated, the views expressed in posts and comments are those of the posting authors. Except if otherwise stated, the views and positions of UofOWatch are those of Denis G. Rancourt, former professor of physics at the University of Ottawa.

Obviously, links and references to cited works do not imply agreement with or endorsement of the views expressed or information in the linked postings or cited works.

#### VISITS TO DATE



#### LINKS

A Student's Eye View (U of O Senate madness)

Academic Freedom - Rancourt case

taken AGAINST YOU. I AM extremely disgusted by your "house negro" post. Funny thing is I saw a little bit of substance in your arguments prior to that post. That you a WHITE man would degrade a BLACK woman all in the name of "freedom of speech" is unacceptable. Yes, everybody has the right to say what or how they feel and in the same vein should be able to face the repercussions of making said statements.

In your bid to humiliate Prof St Lewis, you ended up insulting a whole race of people. No, it is NEVER okay for a WHITE PRIVILEGED MAN to EVER use such words regarding another black person, especially for someone who claims to be so "intelligent" and "versed". What is worse, is how unapologetic u seem to be about the use of said word. There are honestly no words to describe that blog post and getting sued over it is not even enough.

JUNE 26, 2011 AT 11:38 AM

Adele Mercier said...

Anonymous Black Woman takes offense at White Privileged Man who got fired from his tenured position for criticizing the University of Ottawa for its Racism, for defending Racialized Students against University Reprisals and White Privilege, and for denouncing a Black Privileged Faculty member for defending White Privilege against Students denouncing Black Oppression.

Why such horrid logic, from a "Law Graduate" to boot? (Did she graduate from Ottawa U?)

A "House Negro" by any other name is still just that, no matter the skin colour or the sex of the person who calls one that.

"Words are our servants, not our masters." To be offended more by a word than by the objectionable facts the word is used to denounce is irrational and plainly confused.

Black Female law graduate, for your own sake, please rethink your priorities.

JUNE 26, 2011 AT 3:34 PM

Activist Teacher

CHUO 89.1 FM The Train campus  
radio show

Corporate UofO mission statement

Corporate UOttawa site

Media reports about the Rancourt  
academic freedom case

#### BLOG ARCHIVE

► 2007 (18)

► 2008 (16)

► 2009 (20)

► 2010 (82)

▼ 2011 (119)

► January (3)

► February (9)

► March (15)

► April (11)

► May (13)

▼ June (13)

U of O neurosurgery  
malfeasance::: President  
Allan...

U of O neurosurgery  
malfeasance::: ALL SEVEN  
(7) e...

U of O student union critical  
race theory burnout

Does Francois Houle know  
how to use English?

Degree inflation and lost  
collegial governance at ...

U of O equips itself to expel  
students with percei...

RUMOR::: Minto Group Inc.  
concerned about U of O d...

Anonymous said...

@ Adele, you can resort to childish tactics of

condescendingly attacking my position or qualification as a black female "Law graduate". But let's be clear, YOU made up that logic not me, Those were the conclusions you came up with not mine.

I could care less if Mr. Rancourt is the Ghandhi of defending racialized students, that is besides the point. The mere fact that you do NOT see the problem in the usage of the word by a white man, likening another black academic to a house negro shows that you are as clueless as Mr Rancourt is/was regarding the demoralizing effect of the word usage. The POINTS ARE; WHAT DOES the colour of her skin have to do with anything? How can a non racialized person ever be in a position to dictate the acceptable lines or boundaries or actions a racialized person is suppose to take? What does Professor St Lewis' report have to do with what race she belongs to? Please if you can show me ANY post Mr Rancourt wrote about a white person where the actions of that said person somehow warranted being called racist term, I would appreciate it. This has nothing to do with being too sensitive, but everything to do with hoping for a discourse forum, where everyone is "called out" equally and any reference to their skin colour is a NON factor in criticizing their politics or actions, I mean, someone as smart (and I am not being sarcastic here) as Mr. Rancourt should know better.

What if it was a white person who wrote the same report supporting institutionalized practices, would they have been called a "cracker traitor"?...The point is the COLOUR of Professor St. Lewis's SKIN, has absolutely no bearing in relation to whatever issue Mr Rancourt had with the way she handled the whole SAC report academic fraud process and to bring the colour of her skin into whatever argument he was trying to purport, and to also infer that based SOLELY on the circumstances surrounding the report she is now a traitor to her race is beyond ignorant and yes, racist.

Do you know Professor St Lewis? Do you know the PLETHORA of resources, labour and time, she has put towards the fight for th edvancement and equality of different racialized minorities across Canada and internationally? Most

U of O institutional independence for sale to the ...

U of O disregards access to information law, refus...

U of O president Allan Rock gets an A+ grade

U of O law professor Joanne St. Lewis sues Rancour...

Anonymous interview with uoLeaks, towards student ...

This is what targeting a dissident tenured profess...

- July (1)
- August (10)
- September (7)
- October (13)
- November (16)
- December (8)
- 2012 (47)
- 2013 (49)
- 2014 (10)

#### LABELS (KEYWORDS)

52 profs (3)  
 Abdou Bannari (1)  
 academic fraud (2)  
 academic freedom (30)  
 accountability (2)  
 ACFAS (1)  
 activism course (19)  
 administration meltdown (1)  
 Agnes Whitfield (1)  
 Alain Roussy (2)  
 Alan Rock (107)  
 Allain St-Amant (5)  
 Amalia Sava (1)

of which she does not getting any form of enumeration? Do you know about her work with the women in the Democratic Republic of Congo regarding the silent culture surrounding rape as a form of weapon? or how she has devoted so much time in advising the Black Law Student's of Canada, or CABL?

Do you know how utterly insulting it is for someone like her to then google her name and have the second result be a reference to her being a "House Negro"? It is not the fact that a white man said it, it is the fact that it is horribly misguided to bring the blackness of her skin into the issue without knowing her professionally or personally.

JUNE 26, 2011 AT 8:07 PM

Denis Rancourt said...

Someone white or black or other said this recently about expressed views:

"Another contributor to the perception of dangerousness is the intellectual blinkers that humans tend to don when they split into factions. People have a nasty habit of clustering in coalitions, professing certain beliefs as badges of their commitment to the coalition and treating rival coalitions as intellectually unfit and morally depraved. Debates between members of the coalitions can make things even worse, because when the other side fails to capitulate to one's devastating arguments, it only proves they are immune to reason."

I think one solution is to meet in person and talk in an authentic effort to communicate. Irrespective of this lawsuit, I am always prepared to participate in such attempts at understanding each other. I hope that such discussions will occur more and more. I would be pleased to have the chance to discuss about the racial dimension of this matter openly with all who are also willing. And I have already had such meetings with individuals who felt I was wrong, to the benefit of both sides.

The door is wide open on my side.

JUNE 26, 2011 AT 9:01 PM

Amir Attaran (2)  
An Act respecting Universite  
d'Ottawa (1)  
Anaïs Elboujdaïni (1)  
Andre Champagne (3)  
Andre Dumulon (1)  
Andre Lalonde (30)  
Andre Longtin (1)  
Ann Cavoukian (1)  
Ann Coulter (14)  
Anne-Marie Roy (1)  
anonymous disclosures (1)  
Anthony Meehan (1)  
apology (2)  
APTPUO (5)  
APUO (9)  
arbitration (28)  
assimilation (1)  
ATI-FIPPA (18)  
AUCC (1)  
Baha'i (1)  
Bela Joos (3)  
Bernie Andrews (1)  
big pharma (1)  
bilingualism (2)  
Black History Month (1)  
Black Law Students Association (2)  
BLG (5)  
Blinky Binkies (1)  
blogging (1)  
blood money (1)  
BOG (14)  
branding war (3)  
Bruce Feldthusen (7)  
Burma (3)  
call out (1)  
Cameron Montgomery (1)  
campus activism (6)  
campus event (1)  
CanWest (4)



Anonymous said...

Mr Rancourt, First and foremost, let me just apologize for the tone of my first post. I was unaware of who you were until I read about the law suit and as a trained legal critical race theorist I was appalled for lack of a better word and more angered by your non apologetic tone (in the original post). At any rate, I do hope you have some forum to discuss or express your intentions before the suit gets any messier. After reading more of your posts, I am convinced you are NOT racist, but, I would continue to argue and will always hold the position that the "house negro" post was like some other commenter said "straight up racist". I do wish you luck in whatever course this whole issue takes.

JUNE 27, 2011 AT 10:37 AM

Denis Rancourt said...

@Anonymous,

Thank you for your reconsideration of the matter and for expressing it.

It is exactly because you are trained in legal critical race theory that I believe our meeting would be highly profitable.

In a recent posted article (Activist Teacher blog) I commented on Henry Louis Gates Jr.'s incisive work this way:

"Gates ably deconstructs critical race theory but without directly affirming the obvious; that "'Words that wound' are an artifice of new-wave law theorists looking to lead a legal analysis sect premised on slave-hood and the law as protective master and paternalistic guardian of society's values" [5]; and without ever addressing the question of academic freedom beyond the usual infantile preoccupations with political correctness constraints on speech.[6]"

Never say you will never change your considered position... I believe that critical race theory has done tremendous harm to civil justice advancement in North America in the last decades and I would like to explain how and why I have this belief.

Carleton University (2)

Caroline Millard (1)

CAUT (6)

CAUT-ICOI (2)

CCEPA (1)

CCLA (8)

Celine Delorme (1)

CFS (1)

chalking day (3)

champerty (11)

Charter rights (2)

Chief Justice Beverly McLachlin (4)

Christian Detellier (8)

Christien Levien (1)

Christopher Guly (1)

CHUO-Train (2)

Cinema Politica (1)

civil liberty (3)

Claire Maltais (1)

classroom (1)

Claude Foisy (1)

Claude Lague (1)

clickers (1)

climate change (2)

Code Morin (3)

Code of Conduct (5)

collective agreement (1)

collegial governance (3)

conflict of interest (6)

copyright (4)

corporatization (13)

court hearing (4)

Court of Appeal for Ontario (5)

covert surveillance (15)

criminal code (3)

criminology (1)

crisis of democracy (1)

cross-examinations (1)

CUPE (5)

Have you read Gates? He is a renowned Black scholar and a brilliant critic.

Contact me if you want to hear the other side.

JUNE 27, 2011 AT 11:48 AM

Azadeh Almaari said...

It is a sad fact of life that people of colour/of minority status/those excluded from the halls of power, always have the option to be included at the master's table, on his terms.

Here in the UK, this is called 'being a token'.

If resisting and exposing the abuse of power leads to being attacked on the shocking and wholly reprehensible scale that Professor Rancourt has been experiencing, then those who collaborate with such abuse of power, regardless of their other activities for the common good/for the unprivileged/the exploited can be said to be allowing themselves to be used as tokens who, by their silent presence, are legitimizing the abuse of power.

In that instance, they are collaborating with the abuse of power, and they should be ashamed to allow themselves to be so used.

In my own experience as a woman of S Asian origin I have found institutional racism to be regularly covered up by the token black/person of colour in the position of Equal Opportunities Officer. Colour is then used by the power elite to silence any attempt at exposing their wrongdoing - eg we are not racist, look one of your own is telling you so'. Such a person, in the role of token, is accepting a high salary, a secure position, and they mouth whatever the misbehaving elite of the institution want them to say. They often do engage in some kind of -do-gooding activity at the community level which provides a degree of legitimacy to their tokenistic offerings in arenas where it really counts. By doing so, they provide a shattering blow against any attempts by students or staff to bring accountability to oppressive institutional work practices, racist or otherwise.

CURIE (1)  
Cynthia McKinney (1)

Daniel Woolf (1)

David Johnston (1)

David Naylor (1)

David Noble (4)

David W Scott (4)

deaf access (1)

defamation law (2)

degree inflation (2)

Deidre Powell (1)

democracy (6)

demotion (1)

Denis Bachand (1)

Denis Prud'homme (1)

Denis Rancourt (87)

Diane Davidson (10)

discipline (15)

Dominique Lafon (1)

Donate (1)

donor recognition (5)

Douglas Christie (1)

DTPC (3)

ECP video series (3)

Edward Broadbent (1)

elections (2)

Ellen B Zweibel (1)

EN FRANCAIS (2)

English (1)

Eric Poulin (1)

ethically challenged Allan Rock (2)

executive rule (1)

Faculty Council (6)

Faculty for Palestine (1)

Faculty of Common Law (3)

Faculty of Education (4)

Faculty of Health Sciences (1)

Faculty of Science (1)

FAIR reports (1)

I could give many examples of the demoralising effect of such tokens in specific situation of conflict where they aided and abetted the cover-up: attempts at institutional accountability and transparency were yet again, defeated.

I do not know enough about the role Ms St Lewis has been playing to make any direct comment on her, but to attack Prof Rancourt when he has been upholding the highest standards of pedagogical and professional integrity, makes her misguided to say the least and leads me to suspect that she probably has been, a bit of a patsy. Ok ok, she does admirable work with the poor and the dispossessed women in the Congo, and she is supportive of students of colour obtaining their law degrees, but how does she work with the elite holding the reins of power at the University?

Doing good in one sphere (where she holds the power) does not make the case that she has the outstanding level of bravery required to jeopardize her own position by coming out in support of Prof Rancourt. Where was she when he was being arrested and put in handcuffs? Hiding under the master's table? Where has she positioned herself since?

JULY 1, 2011 AT 4:08 AM

Anonymous said...

My compliments to several of the comments herein (especially Azadeh Almaari and anonymous lawyer).

We could all learn from the example of anonymous-lawyer who appears to consider the possibility that she's mistaken (I'm not saying she was, but am expressing admiration for those who acknowledge the possibility). What if Prof St. Lewis genuinely believed that she could bring something useful to bring to bear when she agreed to do her analysis. Yet surely someone with the legal training she has would recognize the conflict of interest that comes with offering what is expected to be an "impartial" judgment between two parties, one of whom is your employer.

Regarding Azadeh's metaphor of hiding under the table (for failing to stand-up for Rancourt and the attendant academic freedom at risk), it should be acknowledged that Prof St Lewis is one of roughly a thousand faculty who have failed to

Farida Adam (1)  
 fascism (4)  
 Federico Carvajal (1)  
 FGPS (3)  
 filming senate (1)  
 Finding room number at Ottawa Courthouse (1)  
 FIPPA (9)  
 Foster twins (1)  
 FPS Ombudsman (3)  
 Francine Page (2)  
 Francis Reardon (1)  
 Francois Houle (13)  
 Frank Appleyard (4)  
 Frank DeVries (2)  
 Fraser Rubens (1)  
 Fraud (1)  
 free expression (1)  
 French (2)  
 Gary Slater (9)  
 gender (2)  
 Genevieve Deguire (1)  
 Geoffrey Greatrex (1)  
 Geography Department (1)  
 Gerald Schwartz (2)  
 Gideon Levy (1)  
 Gilles Patry (6)  
 global warming (2)  
 globalization (3)  
 Globe and Mail (1)  
 Goldcorp (1)  
 Governor General (1)  
 Gowlings LLP (3)  
 grading (5)  
 graffiti (3)  
 grievance (10)  
 GSAED (8)  
 guns seized (1)  
 Hazel Gashoka (6)  
 Heather Reisman (2)



show overt solidarity in support of Rancourt. So it is awfully crowded under that table I suspect that some in that number do not support Rancourt (they have different views), some are disengaged, some have seen enough of how the university works to fear speaking up, some are picking their battles, and ... This is not to excuse the complacency in the face of a huge erosion to academic freedom, but rather to consider the a wider range of explanations.

Is it fair to single out one in that number and prejudge what his/her reason is for not acting the way you think they should?

Anonymous-too

JULY 1, 2011 AT 2:04 PM

EnglishWorks said...

Well well, dear Anonymous-too. Thank you - I appreciate your appreciation and so I will reply to your obvious faith in the sincerity of the good prof St Lewis.

You feel that as she is only 1 in that big cowardly custard number of 999 faculty members (all yellow in my opinion - oops (look over shoulder, am I being racist) cowering under the master's table, we should be gentle with her when she crawls out from under, not to ahem... SUPPORT prof Rancourt who has been suffering years of intense persecution that would have broken the mind. body and spirit of most people... (a testament both to his extraordinary courage and to the strength that loyalty from his students and researchers) provided.

No. Prof St Lewis crawls out to distinguish herself in front of the master who pays her salary.

She chooses to take on the role of adjudicator between the Oppressor backed by the entire resources of an institution, and an individual fighting for his livelihood and his reputation - one who has made outstanding contributions in research and teaching and is non elitist through and through.

If I, observing her role in this scenario were to comment to her, 'He who pays the piper, calls the tune', I am sure she would understand VERY bloody well that I am not calling her a musician - she would understand I am using a metaphor to

honourary degree (2)

Howard Alper (1)

Howard Wilson (1)

human rights (26)

Ian Telfer (1)

Ibrahim Said (1)

Iman Amin (1)

inciting violence (1)

income (1)

IPC (15)

Iran (1)

Iron Fist Award (5)

irony (1)

Irving Industries (1)

Isabelle Cyr (1)

Israel lobby (22)

Israeli Apartheid Week (2)

Jacques Bradwajn (2)

James Harden (1)

James Worthington (1)

Jan Veizer (1)

JCCF (1)

Jean-Yves Leduc (2)

Jeff Schmidt (3)

Jeremy Kerr (2)

Jesse Hall (1)

Jim Orban (2)

Joanne Larose-Dubois (1)

Joanne St. Lewis (67)

John Carpey (1)

John Carroll (1)

John Currie (1)

John Molloy (1)

John Sinclair (1)

Joseph Hickey (57)

journalism degree (1)

JP Prevost (1)

judicial bias (4)

Julie Beauchamp (1)

convey my lack of faith in her objectivity. I could equally use other terms to convey the same thing like patsy/token/house nigger.

So bloody what if Prof Rancourt used the expression, 'house nigger'?

Her action in joining hands with the master and adding her kick to her master's blows on someone with much less power and resources to defend himself with, only proves Prof Rancourt right in his succinct delineation of her character and motives.

Not only that but I have to ask, is she really a professor of law? What, the law of the jungle, that Might makes Right? Oops, I mustnt say that either in case she gets the wrong end of the stick! Stick? oops, I probably shouldnt say that EITHER!

I also probaly should not say to anyone, Where is her sense of justice? It seems she left it behind as she struggled to please the many masters grading her efforts on the long but not so lonely - remember the 999 others track to being accepted to be the big wig servant of the big wig master. Thus she exemplifies the system of subservience that Prof Rancourt has tried so valiantly to oppose, expose, and introduce alternatives to.

On seeing prof St. Lewis' travesty of justice and embodiment of bad faith, Sojourner Truth must be turning in her grave!

JULY 1, 2011 AT 8:04 PM

Anonymous said...

As noted comedian Bill Crosby one stated it not a race or a colour issue its about the behaviour

lets note confuse the issues with semantics about words

JULY 4, 2011 AT 7:50 PM

EnglishWorks said...

Thank you Anonymous - Perhaps we should all email prof St Lewis. It is bad enough that prof Rancourt has been persecuted for years and then dismissed. She's now applying

Justice Alexandra Hoy (1)

Justice Peter Annis (3)

Justice Robert Beaudoin (7)

Justice Robert Smith (1)

Kathryn Prud'homme (1)

Keiko Hattori (1)

Keith Benn (1)

Kevin McLeod (1)

Khalid Aba-Alkhail (4)

La Rotonde (4)

language rights (1)

law (32)

learning (1)

legal action (60)

legal costs (1)

Legal Feeds (1)

Legal Fund (1)

legal system (3)

Liam Kennedy (3)

Liberal (2)

Linda Pietrantonio (1)

list of lies (2)

Lloyd Axworthy (3)

locked door madness (1)

Louise Hotte (1)

Louise Page-Valin (2)

LSUC (1)

Luka Magnotta (1)

Lynn Hamden (14)

Macleans rating (4)

Mahdi Darius Nazemtoaya (4)

malfeasance (34)

Manal Al-Saigh (5)

Manon Gauthier (1)

Marc Brosseau (1)

Marc Jolicoeur (6)

Marc Kelly (20)

Marie Galoppe (1)

Marie Josée Berger (6)

a slash and burn action to decimate more of his energy and life time.

Well, People, I was strolling by a Field near her window, early this morning and this is what I overheard:

Baa Baa Black Sheep  
You are a bad girl  
To get some ribbons and  
A better position  
You've deserted your own fold.

Baa Baa Black Sheep  
Oh don't you collaborate  
With the master who  
Measures us who weighs us who checks our teeth and  
grades us  
Those of us who need his high bloodied grade,  
Too often he fails.

Baa Baa Black Sheep  
It's true we may have made  
A mistake or two  
But so do the white sheep  
Yet the master lets them through.

Baa Baa Black Sheep  
While the master's getting rich  
We're having to sell our blood  
Or oil  
To pay his high course fees  
For innocent mistakes  
He quickly fails us  
And we face going back to our fold  
In Africa, in China and in the Middle East,  
Broke, disgraced, and failures to boot.

Baa Baa Black Sheep  
Be true to our best  
Think of Malcom X  
And dare to Speak Truth to Power  
(Rancourt's a good example)

Mark Mercer (1)  
Martin Schoolts-Mcalpine (3)  
Maureen Robinson (8)  
media (44)  
mediation (2)  
medical (5)  
medication (1)  
medicine (10)  
Mei-Zhen Dang (1)  
mental health (4)  
Michael Geist (1)  
Michael Ignatieff (1)  
Michaëlle Jean (3)  
Michel Foucault (1)  
Michel Picher (2)  
Michel Racine (1)  
Micheline Lessard (1)  
Michelle Flaherty (10)  
Ministry of Labour (1)  
Minto Group Inc (1)  
Mireille Gervais (13)  
mobbing (3)  
Mort Shirkhanzadeh (1)  
Nathalie Des Rosiers (13)  
Nathalie Page (3)  
NATO (1)  
natural justice (5)  
negotiations (2)  
neo-Nazi (1)  
neuroleaks (4)  
news (2)  
Nick Day (1)  
Norman Finkelstein (1)  
Notice of Libel (3)  
Nusrat Saleem (1)  
OCLA (10)  
OCP (3)  
OHRT (8)  
Oli Cosgrove (1)

Pursuing the Endless Possibilities

Your daddy talked about

Was not meant to turn you

Into a chicken or turncoat.

Written by Azadeh Almaari.

PS I would love to sing this under Ms Lewis' window, but I am far away!

As a child growing up in England, I was taught this nursery rhyme, I havent sung it for a long time...

JULY 5, 2011 AT 4:18 AM

Anonymous said...

Wow! I just read most of these posts, they were very interesting!! I wanted to add my two cents as a black woman. While I read about it, I never attended U of O so I can't comment on the experience of racism there. I can definitely express that as a Grade "A" student, during my studies I have often met the disbelief of teachers who taught it was impossible for me to achieve these grades. I have also been met with suspicions and unfounded accusations of cheating, despite perfect attendance and active participation during lectures. I feel I always had to fight to prove that it was me! That being said I understand why the term "house negro" was used in this particular situation. I do not know Prof St. Lewis or

any of her work nor her opinions. But if one believes that a black person is being used by white "masters" against other blacks it's difficult to think of any other term then "house negro" or maybe "uncle tom" to describe it. That being said, when you hear a white person referring to a black person as a "negro anything", even if it is in the defence of other black students, it makes me extremely uncomfortable. Negro is and will always be a derogatory term and it holds difficult and painful memories to most of the Black Communities. As such, it is probably preferable to leave it out when expressing opposing views against a black woman. As a "white" man advocating Human Rights, I believe you should have taught about that.

Dzinga

JULY 27, 2011 AT 10:08 AM

OLRB (3)

open court principle (9)

Order (2)

over reaction (1)

Pamela Harrod (7)

part-time professors (3)

paternalism (1)

Paul Bragg (1)

Paul Desmarais (3)

pay equity (1)

Peter Biesterfeld (2)

Peter Doody (2)

Peter Harder (1)

petition (1)

Philippe Marchand (2)

photo essay (2)

PHY 1703 (1)

PHY 4006 (4)

physics profession (2)

PIPSC (1)

plagiarism (1)

police (14)

Policy 100 (1)

Policy 110 (1)

Policy 92 (4)

Policy on Discrimination (3)

Post Office Box (1)

poster (1)

PowerPoint (2)

press conference (1)

press release (16)

professional ethics (15)

propaganda (2)

PSUO (1)

psychology (2)

public letter (10)

public meeting (1)

Queen's University (2)

R2P (2)



EnglishWorks said...

Thank-you-latest-Anonymous-posting,-for-touching-upon-your-experiences of racism in education... As a woman of Indian heritage, who was also highly motivated and exceptionally talented, I remember being enraged by a teacher who casually told me in front of the whole class, 'you're not supposed to copy'. It was simply that I had exceeded his expectations of what a non-white person could do... at University too, whilst the head of department said my undergraduate dissertation was of Phd quality, the external examiners simply took umbrage at what I wrote, and wanted to fail me completely.

There clearly is institutional racism in education, as elsewhere. In a national UK newspaper there was a report yesterday, about how in the USA, whites earn on average, 20 times the salary of blacks.

Niether personal experience nor societal-wide statistics, should block us from discerning the truth of a matter.

The reality of slavery is long past. So too, the reality of people living by farming. If I say, 'I'm not waiting for you till the cows come home', everyone understands I don't really have a farm. If I say so and so is acting like a house nigger/negro, that too does not mean I am a slave holder or approve of slavery/or am into white supremacy. Metaphorical language is a function of the human brain.

We should ask the question, whom does it serve, to attempt to legislate against language? For Ms St Lewis to take this course of action, exposes her for the opportunistic fraud that she is. I sincerely hope she gets laughed out of her job as a teacher of law and social justice.

JULY 28, 2011 AT 4:39 AM

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recycling (1)  
remember this (1)  
research environment (1)  
Rex Murphy (1)  
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snitch line (3)  
spying (4)  
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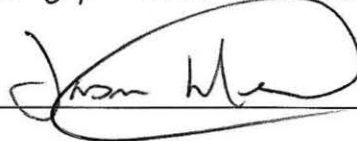
LIBERTARIAN VALUES THAT CREATE AN OPENING... (NO ONE ELSE?!)

---

**"WITHIN THE UNIQUE UNIVERSITY CONTEXT, THE MOST CRUCIAL OF ALL HUMAN RIGHTS ARE THE RIGHTS OF FREEDOM OF SPEECH, ACADEMIC FREEDOM AND FREEDOM OF RESEARCH. AND WE AFFIRM THAT THESE RIGHTS ARE MEANINGLESS UNLESS THEY ENTAIL THE RIGHT TO RAISE DEEPLY DISTURBING QUESTIONS AND PROVOCATIVE CHALLENGES TO THE CHERISHED BELIEFS OF SOCIETY AT LARGE AND OF THE UNIVERSITY ITSELF. IT IS THIS HUMAN RIGHT TO RADICAL, CRITICAL TEACHING AND RESEARCH WITH WHICH THE UNIVERSITY HAS A DUTY ABOVE ALL TO BE CONCERNED; FOR THERE IS NO ONE ELSE, NO OTHER INSTITUTION AND NO OTHER OFFICE, IN OUR MODERN LIBERAL DEMOCRACY, WHICH IS THE CUSTODIAN OF THIS MOST PRECIOUS AND VULNERABLE RIGHT OF THE LIBERATED HUMAN SPIRIT." --STATEMENT OF INSTITUTIONAL PURPOSE, UNIVERSITY OF TORONTO.**

---

THIS IS **EXHIBIT "G"**  
TO THE AFFIDAVIT OF  
**LAUREN CROSBY**  
AFFIRMED BEFORE ME  
THIS 29<sup>th</sup> DAY OF OCTOBER, 2015

A handwritten signature in black ink, appearing to read "Jason Mercier", written over a horizontal line.

A Commissioner for Taking Oaths

**Jason Joseph Daniel Mercier,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires April 9, 2017.**





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## U OF O WATCH

THIS SITE IS DEVOTED TO TRANSPARENCY AT THE UNIVERSITY OF OTTAWA, OTTAWA, CANADA. UOFOWATCH EXPOSES INSTITUTIONAL BEHAVIOUR THAT IS NOT CONSISTENT WITH THE PUBLIC GOOD.

U OF O WATCH MISSION, IN THE WORDS OF FOUCAULT...

*"One knows ... that the university and in a general way, all teaching systems, which appear simply to disseminate knowledge, are made to maintain a certain social class in power; and to exclude the instruments of power of another social class. ... It seems to me that the real political task in a society such as ours is to criticise the workings of institutions, which appear to be both neutral and independent; to criticise and attack them in such a manner that the political violence which has always exercised itself obscurely through them will be unmasked, so that one can fight against them." -- Foucault, debating Chomsky, 1971.*

U OF O WATCH MISSION, IN THE WORDS OF SOCRATES...

*"An education obtained with money is worse than no education at all." -- Socrates*

VIDEO OF PRESIDENT ALLAN ROCK AT WORK



DONATE TO THE DENIS RANCOURT LEGAL FUND

SATURDAY, MAY 17, 2014

### Why I walked out of the trial in which I am being sued



Media photo – Ottawa Citizen

By Denis Rancourt

On May 16, 2014, at 10:00 AM, in courtroom #36 of the Ottawa Courthouse of the Ontario Superior Court of Justice I walked out from the trial in which I am being sued, and in which I was representing myself without a lawyer. The trial is continuing in my absence, before a Jury of my peers.

Donate



Denis Rancourt Legal Fund

TABARET HALL - U OF O



The central admin building in the fall.  
Photo credit: University of Ottawa

U OF O PRESIDENT ALLAN ROCK



This is my translation from the French of what I said to the Court, to Justice Michel Z. Charbonneau, to explain my reasons for leaving the trial process:

Your Honour, the law foresees that I must be free to advance the very serious charge of "reasonable apprehension of bias".

It is very difficult for me to make this intervention. Give me five minutes because I must present the new evidence.

During my motion of May 7, 2014, asking that Your Honour recuse himself, Your Honour's decision was silent on the central point that I had made that Your Honour's decisions in this action could affect the reputation of the University of Ottawa and affect the monetary value of its scholarships, to which Your Honour donates money regularly and annually.

Then, on the first day of trial, Monday May 12 of this week, we did a motion in the afternoon, a so-called "Voir Dire", with detailed facts. Mr. Dearden [plaintiff's lawyer] brought the motion with a factum of 32 pages served on May 9 and accompanied by a book of authorities of 347 pages. His motion was to eliminate my defence called "Litigation by proxy contrary to the Charter".

I answered with a factum of May 9 containing 14 pages and accompanied by a book of authorities of 342 pages. I argued in detail that, in fact, my defense was a defence of abuse of process having three branches, with one branch being the "Jameel" defence based on a 2005 decision of the England and Wales Court of Appeal: *Dow Jones Inc. v. Jameel*, and I pointed to paragraphs 68 to 71 of my "Statement of Defence" as pleading this *Jameel* defence.

The decision of this Court [of Your Honour] was pronounced on May 14 regarding the said motion or Voir Dire: The paragraphs 61 to 67 of the Statement of Defence were struck. Paragraphs 68 to 71 remained intact, as did my *Jameel* defence.

Then, on May 15, yesterday, during my Opening Statement, the Court allowed Mr. Dearden to interrupt me when I was explaining my *Jameel* defence to the Jury. And Your Honour, off the cuff, struck and forbade my *Jameel* defence despite my protest, and despite the fact of not having done so when Your Honour should have done so if you had had that intension.

It has been more than three years that I have been fighting for procedural justice in this action — and my "Statement of Claim" is struck, cut into pieces, before my eyes during my Opening Statement, in contradiction with the considered decision of May 14 of Your Honour.

This would give nightmares to Kafka himself.

To my eyes, we are no longer in Canada — and we can no



click image for updated posted list of ethical breaches of Allan Rock

#### U OF O WATCH - CREATING TRANSPARENCY



**DENIS RANCOURT**

Email Denis Rancourt.

VIEW MY COMPLETE PROFILE

#### DISCLAIMER:

Unless otherwise stated, the views expressed in posts and comments are those of the posting authors. Except if otherwise stated, the views and positions of UofOWatch are those of Denis G. Rancourt, former professor of physics at the University of Ottawa.

Obviously, links and references to cited works do not imply agreement with or endorsement of the views expressed or information in the linked postings or cited works.

#### VISITS TO DATE

sitemeter   
208,257

#### LINKS

A Student's Eye View (U of O Senate madness)

Academic Freedom - Rancourt case  
Activist Teacher

CHUO 89.1 FM The Train campus  
radio show

longer claim to have a system of justice in this action before you Your Honour.

I am outraged by this gag order imposed in a manner that is apparently arbitrary, which does not allow me to be heard and to "have my day in court".

I have pleaded "abuse of process" at every step and now, at trial itself, I don't even have the right to say that the University of Ottawa is entirely financing the plaintiff or the right to use the *Jameel* defense that applies to situations where the defendant advances a lack of actual damage to reputation, that's "actual" damage, and to "reputation", not some other kind of damage.

I was very disturbed by these incomprehensible events, and I have been deeply perturbed all day yesterday; confused also, as a self-represented litigant. This morning I inform the Court that I can no longer participate in such a process.

Therefore, I'm leaving this unjust process. You will take the decisions in my absence. It's over for me: I'm leaving.

[Followed by an intervention by Mr. Richard Dearden (plaintiff's lawyer) addressed directly to me, my statement to the Court about appropriateness of the said intervention, and my departure from the courtroom.]

#### Background links:

Ontario Civil Liberties Association public campaign page  
All (many) court documents in the case

POSTED BY DENIS RANCOURT AT 7:37 AM

LABELS: COURT HEARING, DENIS RANCOURT, JAMEEL DEFENCE, JUDICIAL BIAS, LEGAL SYSTEM

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Why I walked out of the trial in which I am being ...

#### LABELS (KEYWORDS)

52 profs (3)

Abdou Bannari (1)

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RS

75

CLERK OF COURT OF JUSTICE

File No. CV-11-51657

St. Lewis VS

Rancourt

Exhibit No. RS

produced by the Plaintiff

Date May 22, 2014

Name M. LaBelle  
Clerk / Registrar

U of a Watch article,

May 17, 2014

"Why I Walked out of the Trial"

THIS IS **EXHIBIT "H"**  
TO THE AFFIDAVIT OF  
**LAUREN CROSBY**  
AFFIRMED BEFORE ME  
THIS 29<sup>th</sup> DAY OF OCTOBER, 2015

A handwritten signature in black ink, appearing to read 'J. Mercier', written over a horizontal line.

A Commissioner for Taking Oaths

**Jason Joseph Daniel Mercier,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires April 9, 2017.**

Information No. 11-51657

SUPERIOR COURT OF JUSTICE

JOANNE ST. LEWIS

Plaintiff

v.

DENIS RANCOURT

Defendant

PROCEEDINGS AT TRIAL

BEFORE THE HONOURABLE JUSTICE M. CHARBONNEAU  
on May 16, 2014, at OTTAWA, Ontario

APPEARANCES:

R. Dearden

Counsel for the Applicant

D. Rancourt

In Person

(i)  
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**SUPERIOR COURT OF JUSTICE**

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|-------------------|---------------------------------|-------------------------------|----------------------------|
| ST. LEWIS, Joanne | 27                              | -                             | -                          |

**EXHIBITS**

| <u>EXHIBIT NUMBER</u> | <u>ENTERED ON PAGE</u> |
|-----------------------|------------------------|
| -                     | -                      |

**LEGEND**

[sic] - Indicates preceding word has been reproduced verbatim and is not a transcription error.

(ph) - indicates preceding word has been spelled phonetically.

|                          |                   |
|--------------------------|-------------------|
| Transcript Ordered:      | June 28, 2014     |
| Transcript Completed:    | August 24, 2014   |
| Ordering Party Notified: | September 2, 2014 |

1.

Joanne St. Lewis v. Denis Rancourt  
Voir Dire

FRIDAY, MAY 16, 2014

(10:05 a.m.)

THE COURT: Good morning.

MR. DEARDEN: Good morning, Your Honour.

INTERPRETER: Good morning, Your Honour.

THE COURT: Members of the jury.

DENIS RANCOURT : Non.

INTERPRETER: No.

DENIS RANCOURT : J'ai une question...

INTERPRETER: I have a question...

DENIS RANCOURT : ...importante...

INTERPRETER: ...an important question...

DENIS RANCOURT : ...qui va changer la...

INTERPRETER: ...that will shake...

DENIS RANCOURT : ...procédure...

INTERPRETER: ...change process...

DENIS RANCOURT : ...et j'aimerais trois  
minutes pour...

INTERPRETER: ...and I would like the three  
minutes to...

DENIS RANCOURT : ...expliquer ça.

LE TRIBUNAL : D'accord.

INTERPRETER: ...explain what is coming.

DENIS RANCOURT : Monsieur le juge...

INTERPRETER: Your Honour...

DENIS RANCOURT : ...la loi...

INTERPRETER: ...the law...

DENIS RANCOURT : ...prévoit que je dois  
être...

INTERPRETER: ...foresees...

DENIS RANCOURT : ...libre d'avancer...

2.

Joanne St. Lewis v. Denis Rancourt  
Voir Dire

INTERPRETER: ...that I am...

DENIS RANCOURT : ...la charge...

INTERPRETER: ...that I am free...

DENIS RANCOURT : ...très sérieuse de...

INTERPRETER: ...to advance...

DENIS RANCOURT : ...crainte raisonnable de  
partialité.

INTERPRETER: ...the reasonable  
apprehension...

DENIS RANCOURT : C'est très difficile pour  
moi de faire cette...

INTERPRETER: ...of bias.

DENIS RANCOURT : ...intervention.

INTERPRETER: It's very difficult for me  
to...

DENIS RANCOURT : Alors, donnez-moi...

INTERPRETER: ...intervene...

DENIS RANCOURT : ...trois ou cinq minutes...

INTERPRETER: ...this way.

DENIS RANCOURT : ...car je dois...

INTERPRETER: Give me three to five...

DENIS RANCOURT : ...présenter la nouvelle  
preuve.

INTERPRETER: ...because I need to present  
new evidence.

DENIS RANCOURT : Lors de ma motion du 7  
mai...

INTERPRETER: During the motion on...

DENIS RANCOURT : ...2014...

INTERPRETER: ...the 7th of May...

DENIS RANCOURT : ...pour que vous...



3.

Joanne St. Lewis v. Denis Rancourt  
Voir Dire

INTERPRETER: ...2014...

DENIS RANCOURT : ...vous requissiez...

INTERPRETER: ...asking for you to recluse...

DENIS RANCOURT : ...votre décision...

INTERPRETER: ...yourself...

DENIS RANCOURT : ...a été silencieuse...

INTERPRETER: ...your decision...

DENIS RANCOURT : ...sur le point central  
que...

INTERPRETER: ...was silent...

DENIS RANCOURT : ...j'avais...

INTERPRETER: ...on the...

DENIS RANCOURT : ...fait...

INTERPRETER: ...central point...

DENIS RANCOURT : ...que vos décisions...

INTERPRETER: ...that I had made...

DENIS RANCOURT : ...dans cette action...

INTERPRETER: ...that the decisions...

DENIS RANCOURT : ...pouvaient affecter...

INTERPRETER: ...in this matter...

DENIS RANCOURT : ...la réputation de...

INTERPRETER: ...could impact...

DENIS RANCOURT : ...l'Université d'Ottawa  
et...

INTERPRETER: ...the reputation...

DENIS RANCOURT : ...affecter donc...

INTERPRETER: ...of the University of  
Ottawa...

DENIS RANCOURT : ...la valeur monétaire de  
ses...

INTERPRETER: ...and therefore...

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Joanne St. Lewis v. Denis Rancourt  
Voir Dire

DENIS RANCOURT : ...bourses aux étudiants...

INTERPRETER: ...impact the...

DENIS RANCOURT : ...auquel vous donnez de...

INTERPRETER: ...monetary value...

DENIS RANCOURT : ...l'argent régulièrement  
et annuellement.

INTERPRETER: ...of the bursaries of the  
university to which...

DENIS RANCOURT : Ensuite...

INTERPRETER: ...you also contribute...

DENIS RANCOURT : ...le premier jour de ce  
procès...

INTERPRETER: ...annually. Then, on the  
first day of this trial...

DENIS RANCOURT : ...lundi le 12 mai...

INTERPRETER: ...on the first - on the 12th  
of May...

DENIS RANCOURT : ...de cette semaine...

INTERPRETER: ...on Monday of this week...

DENIS RANCOURT : ...nous avons fait...

INTERPRETER: ...we...

DENIS RANCOURT : ...dans l'après-midi, une  
motion...

INTERPRETER: ...in the afternoon, conducted  
a...

DENIS RANCOURT : ...soit disant un Voir  
Dire...

INTERPRETER: ...motion, a - called...

DENIS RANCOURT : ...avec des facteurs...

INTERPRETER: ...Voir Dire...

DENIS RANCOURT : ...avec des factums

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Joanne St. Lewis v. Denis Rancourt  
Voir Dire

plutôt...

INTERPRETER: ...with factums...

DENIS RANCOURT : ...des factums qui étaient  
détaillés.

INTERPRETER: ...that were detailed.

DENIS RANCOURT : Monsieur Dearden a...

INTERPRETER: Mr. Dearden...

DENIS RANCOURT : ...amenait la motion...

INTERPRETER: ...brought the motion...

DENIS RANCOURT : ...avec un factum de 32  
pages...

INTERPRETER: ...with a 32 page factum...

DENIS RANCOURT : ...servi le 9 mai...

INTERPRETER: ...served on the...

DENIS RANCOURT : ...et accompagné d'un  
livre...

INTERPRETER: ...9th of May...

DENIS RANCOURT : ...des autorités de...

INTERPRETER: ...accompanied by...

DENIS RANCOURT : ...347 pages.

INTERPRETER: ...a 347 page...

DENIS RANCOURT : Sa motion était pour...

INTERPRETER: ...Book of Authorities.

DENIS RANCOURT : ...éliminer ma défense...

INTERPRETER: His motion was to...

DENIS RANCOURT : ...dite...

INTERPRETER: ...quash...

DENIS RANCOURT : ...litigation by proxy...

INTERPRETER: ...my litigation by proxy...

DENIS RANCOURT : ...contrary to the Charter.

INTERPRETER: ...contrary to...

Joanne St. Lewis v. Denis Rancourt  
Voir Dire

DENIS RANCOURT : J'ai répondu avec un  
factum...

INTERPRETER: ...the Charter defence.

DENIS RANCOURT : ...le - du 9 mai...

INTERPRETER: I answered by factum on the...

DENIS RANCOURT : ...un factum de...

INTERPRETER: ...9th of May...

DENIS RANCOURT : ...14 pages et un livre...

INTERPRETER: ...a 14 page factum...

DENIS RANCOURT : ...des autorités de 342  
pages.

INTERPRETER: ...and a Book of Authorities of  
342 pages.

DENIS RANCOURT : J'ai argumenté en détail...

INTERPRETER: I argued in detail...

DENIS RANCOURT : ...que en faite...

INTERPRETER: ...that, in fact...

DENIS RANCOURT : ...ma défense...

INTERPRETER: ...my defence...

DENIS RANCOURT : ...était une défense...

INTERPRETER: ...was...

DENIS RANCOURT : ...d'abus de processus...

INTERPRETER: ...a - an abuse of process...

DENIS RANCOURT : ...ayant trois branches...

INTERPRETER: ...claim...

DENIS RANCOURT : ...dont une branche...

INTERPRETER: ...three-prong...

DENIS RANCOURT : ...était la défense...

INTERPRETER: ...one being...

DENIS RANCOURT : ...dite Janelle (ph)...

INTERPRETER: ...the Jamel (ph)...

Joanne St. Lewis v. Denis Rancourt  
Voir Dire

DENIS RANCOURT : ...ou Jameel...

INTERPRETER: ...Jameel or rather defence...

DENIS RANCOURT : ...basé sur une décision  
de...

INTERPRETER: ...based...

DENIS RANCOURT : ...2005...

INTERPRETER: ...on a 2005...

DENIS RANCOURT : ...de la...

INTERPRETER: ...decision of the...

DENIS RANCOURT : ...England and Wales Court  
of Appeal...

INTERPRETER: ...England and Wale [sic]...

DENIS RANCOURT : ...qui s'appelle...

INTERPRETER: ...Court of Appeal of Wales...

DENIS RANCOURT : ...Dow Jones Incorporated  
v. Jameel...

INTERPRETER: ...Dow Jones Incorporated v.  
Jameel...

DENIS RANCOURT : ...et j'ai pointé au...

INTERPRETER: ...and I...

DENIS RANCOURT : ...paragraphe 68 à 71...

INTERPRETER: ...pointed to...

DENIS RANCOURT : ...de mon *statement of*  
*defence*...

INTERPRETER: ...68 to 71 of my...

DENIS RANCOURT : ...comme plaidant...

INTERPRETER: ...statement of...

DENIS RANCOURT : ...cette défense de Jameel.

INTERPRETER: ...defence as having pled this  
defence, the Jameel defence.

DENIS RANCOURT : La décision de cette Cour a

Joanne St. Lewis v. Denis Rancourt  
Voir Dire

été...

INTERPRETER: The decision of this Court  
was...

DENIS RANCOURT : ...énoncée le 14 mai...

INTERPRETER: ...rendered on...

DENIS RANCOURT : ...vis-à-vis ladite  
motion...

INTERPRETER: ...the 14th of May...

DENIS RANCOURT : ...ou Voir Dire de monsieur  
Dearden.

INTERPRETER: ...to rule on the motion.

DENIS RANCOURT : Les paragraphes 61 à 67...

INTERPRETER: Paragraph 61 to 67...

DENIS RANCOURT : ...de mon *statement of*  
*defence*...

INTERPRETER: ...of my statement of  
defence...

DENIS RANCOURT : ...ont été radiés.

INTERPRETER: ...were quashed.

DENIS RANCOURT : Les paragraphes 68 à 71...

INTERPRETER: Paragraph 68 to 71...

DENIS RANCOURT : ...sont restés intacts...

INTERPRETER: ...remained...

DENIS RANCOURT : ...ainsi que ma défense  
Jameel.

INTERPRETER: ...as did my Jameel...

DENIS RANCOURT : Ensuite...

INTERPRETER: ...defence.

DENIS RANCOURT : ...le 15 mai...

INTERPRETER: Then...

DENIS RANCOURT : ...hier...

Joanne St. Lewis v. Denis Rancourt  
Voir Dire

INTERPRETER: ...on the 15th of May...

DENIS RANCOURT : ...pendant mon énoncé...

INTERPRETER: ...yesterday...

DENIS RANCOURT : ...d'ouverture...

INTERPRETER: ...during my opening  
statement...

DENIS RANCOURT : ...la Cour a permis à...

INTERPRETER: ...the Court allowed...

DENIS RANCOURT : ...monsieur Dearden de...

INTERPRETER: ...Mr. Dearden...

DENIS RANCOURT : ...m'interrompe...

INTERPRETER: ...to interrupt me...

DENIS RANCOURT : ...quand j'étais en  
train...

INTERPRETER: ...when I was...

DENIS RANCOURT : ...d'expliquer ma  
défense...

INTERPRETER: ...explaining my...

DENIS RANCOURT : ...Jameel au jury...

INTERPRETER: ...Jameel defence to the  
jurors.

DENIS RANCOURT : ...et Monsieur le juge...

INTERPRETER: Mr...

DENIS RANCOURT : ...a...

INTERPRETER: ...Your Honour...

DENIS RANCOURT : ...à ce moment-là...

INTERPRETER: ...then...

DENIS RANCOURT : ...sur-le-champ...

INTERPRETER: ...on the...

DENIS RANCOURT : ...après que le jury  
s'est...

Joanne St. Lewis v. Denis Rancourt  
Voir Dire

INTERPRETER: ...spot...

DENIS RANCOURT : ...s'est...

INTERPRETER: ...when the jurors...

DENIS RANCOURT : ...a, a, a quitté la, la  
salle...

INTERPRETER: ...had left the courtroom...

DENIS RANCOURT : ...Monsieur le juge a, sur-  
le-champ...

INTERPRETER: ...Your Honour...

DENIS RANCOURT : ...radié et interdit ma  
défense Jameel...

INTERPRETER: ...on the spot struck...

DENIS RANCOURT : ...malgré mes  
protestations...

INTERPRETER: ...my Jameel defence...

DENIS RANCOURT : ...et malgré le fait...

INTERPRETER: ...despite my protest...

DENIS RANCOURT : ...de ne l'avoir - de ne...

INTERPRETER: ...and despite the fact...

DENIS RANCOURT : ...de ne pas l'avoir  
fait...

INTERPRETER: ...that you had not done so...

DENIS RANCOURT : ...comme Monsieur le juge  
aurait dû le faire...

INTERPRETER: ...when you should have done  
so...

DENIS RANCOURT : ...si il en avait  
l'intention.

INTERPRETER: ...if you had the intent of  
doing so.

DENIS RANCOURT : Ça fait plus de trois



Joanne St. Lewis v. Denis Rancourt  
Voir Dire

ans...

INTERPRETER: It's...

DENIS RANCOURT : ...que je me bas pour une  
justice procédurale...

INTERPRETER: ...more than three years that  
I've been fighting...

DENIS RANCOURT : ...dans cette action...

INTERPRETER: ...for procedural justice in  
this matter...

DENIS RANCOURT : ...et là...

INTERPRETER: ...and now...

DENIS RANCOURT : ...je vois que mon  
*statement of defence* est...

INTERPRETER: ...I see that my statement  
of...

DENIS RANCOURT : ...radié...

INTERPRETER: ...defence has been...

DENIS RANCOURT : ...coupé en morceaux...

INTERPRETER: ...struck...

DENIS RANCOURT : ...devant mes yeux...

INTERPRETER: ...cut up...

DENIS RANCOURT : ...pendant mon énoncé  
d'ouverture...

INTERPRETER: ...before my very eyes, in my  
opening...

DENIS RANCOURT : ...en contradiction avec la  
décision...

INTERPRETER: ...and this is contrary...

DENIS RANCOURT : ...considérée de...

INTERPRETER: ...to the considered...

DENIS RANCOURT : ...de votre cour le 14 mai.

Joanne St. Lewis v. Denis Rancourt  
Voir Dire

INTERPRETER: ...decision of this Court...

DENIS RANCOURT : Ça donnerait des  
cauchemars...

INTERPRETER: ...on the 14th of May.

DENIS RANCOURT : ...à Kafka lui-même.

INTERPRETER: This would give Kafka  
nightmares.

DENIS RANCOURT : À mes yeux...

INTERPRETER: In my eyes...

DENIS RANCOURT : ...nous sommes plus au  
Canada...

INTERPRETER: ...we are no longer in  
Canada...

DENIS RANCOURT : ...et on ne peut plus...

INTERPRETER: ...and we cannot...

DENIS RANCOURT : ...prétendre à un système  
de...

INTERPRETER: ...claim...

DENIS RANCOURT : ...justice dans cette  
action...

INTERPRETER: ...to claim...

DENIS RANCOURT : ...devant vous, Monsieur le  
juge.

INTERPRETER: ...to still have a justice  
system before...

DENIS RANCOURT : Je suis outré...

INTERPRETER: ...this matter with you  
presiding.

DENIS RANCOURT : ...par ce bâillonnement  
imposé de façon...

INTERPRETER: I am disgusted by...

Joanne St. Lewis v. Denis Rancourt  
Voir Dire

DENIS RANCOURT : ...d'apparence  
arbitraire...

INTERPRETER: ...this handcuffing...

DENIS RANCOURT : ...qui ne me permet pas  
d'être entendu.

INTERPRETER: ...in all appearances are  
arbitrary but...

DENIS RANCOURT : En anglais, *to have my day  
in court.*

INTERPRETER: ...it denies me to have...

DENIS RANCOURT : J'ai...

INTERPRETER: ...my day in court.

DENIS RANCOURT : ...plaidé à but de  
processus...

INTERPRETER: I've pled...

DENIS RANCOURT : ...sur toute la ligne...

INTERPRETER: ...abuse of protest  
throughout...

DENIS RANCOURT : ...et maintenant...

INTERPRETER: ...and now...

DENIS RANCOURT : ...en procès...

INTERPRETER: ...during the trial...

DENIS RANCOURT : ...je n'ai même pas le  
droit...

INTERPRETER: ...I do not have...

DENIS RANCOURT : ...de dire que...

INTERPRETER: ...the right...

DENIS RANCOURT : ...l'Université d'Ottawa  
finance...

INTERPRETER: ...to stay - say the  
University...

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Joanne St. Lewis v. Denis Rancourt  
Voir Dire

DENIS RANCOURT : ...entièrement la  
plaignante...

INTERPRETER: ...is entitled to financing...

DENIS RANCOURT : ...ou d'utiliser la  
défense...

INTERPRETER: ...the Plaintiff...

DENIS RANCOURT : ...Jameel...

INTERPRETER: ...or to use the Jameel  
defence...

DENIS RANCOURT : ...s'appliquant aux  
situations...

INTERPRETER: ...that applies to...

DENIS RANCOURT : ...précisément aux  
situations...

INTERPRETER: ...precisely...

DENIS RANCOURT : ...où le défendeur...

INTERPRETER: ...to the situations where the  
Defendant...

DENIS RANCOURT : ...avance un manque...

INTERPRETER: ...advances...

DENIS RANCOURT : ...de dommage réel...

INTERPRETER: ...the absence of...

DENIS RANCOURT : ...à la réputation...

INTERPRETER: ...real damages to the  
reputation...

DENIS RANCOURT : ...un dommage réel...

INTERPRETER: ...a real...

DENIS RANCOURT : ...à la réputation...

INTERPRETER: ...damage to the reputation...

DENIS RANCOURT : ...pas à autre chose.

INTERPRETER: ...not to anything else.

Joanne St. Lewis v. Denis Rancourt  
Voir Dire

DENIS RANCOURT : J'ai été très choqué...

INTERPRETER: I was...

DENIS RANCOURT : ...par ces événements...

INTERPRETER: ...frustrated...

DENIS RANCOURT : ...incompréhensibles...

INTERPRETER: ...by those incomprehensible  
events...

DENIS RANCOURT : ...et j'ai été profondément  
perturbé...

INTERPRETER: ...and I have been...

DENIS RANCOURT : ...toute la journée  
d'hier...

INTERPRETER: ...perturbed profoundly...

DENIS RANCOURT : ...confus aussi...

INTERPRETER: ...all day yesterday...

DENIS RANCOURT : ...en temps que personne...

INTERPRETER: ...confused as a...

DENIS RANCOURT : ...autoreprésentée.

INTERPRETER: ...self-rep.

DENIS RANCOURT : Ce matin...

INTERPRETER: This morning...

DENIS RANCOURT : ...j'informe la Cour...

INTERPRETER: ...I'm advising the Court...

DENIS RANCOURT : ...que je ne peux plus...

INTERPRETER: ...that I cannot...

DENIS RANCOURT : ...participer...

INTERPRETER: ...participate...

DENIS RANCOURT : ...dans un tel processus.

INTERPRETER: ...in this...

DENIS RANCOURT : Je quitte donc...

INTERPRETER: ...process.

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Joanne St. Lewis v. Denis Rancourt  
Voir Dire

DENIS RANCOURT : ...ce processus...

INTERPRETER: I am leaving...

DENIS RANCOURT : ...injuste.

INTERPRETER: ...this unjust process.

DENIS RANCOURT : Vous allez prendre...

INTERPRETER: You will take...

DENIS RANCOURT : ...les décisions...

INTERPRETER: ...the decisions or make the  
decisions...

DENIS RANCOURT : ...en mon absence.

INTERPRETER: ...in my absence.

DENIS RANCOURT : C'est terminé...

INTERPRETER: This is...

DENIS RANCOURT : ...pour moi.

INTERPRETER: ...it's finished for me.

DENIS RANCOURT : Je quitte.

INTERPRETER: I'm leaving.

MR. DEARDEN: Just go on record, Your Honour,  
that...

THE COURT: Well, we'll see...

MR. DEARDEN: ...Mr. Rancourt...

THE COURT: ...we'll wait for Mr. Rancourt.  
Apparently, he's leaving now.

LE TRIBUNAL : Vous quittez maintenant...

DENIS RANCOURT : Oui...

LE TRIBUNAL : ...monsieur Rancourt?

DENIS RANCOURT : ...je quitte.

INTERPRETER: You're leaving now? Yes, I'm  
leaving, Your Honour..

MR. DEARDEN: Are you abandoning your  
defence, Mr. Rancourt? Mr. Rancourt, I asked

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Joanne St. Lewis v. Denis Rancourt  
Voir Dire

you a question.

DENIS RANCOURT : Je, je, je quitte et je...

INTERPRETER: I am leaving and...

DENIS RANCOURT : ...souligne à la Cour que  
je n'ai pas à répondre...

INTERPRETER: ...I am noting...

DENIS RANCOURT : ...aux questions de  
monsieur Dearden...

INTERPRETER: ...to the Court that I...

DENIS RANCOURT : ...qui ose me poser des...

INTERPRETER: ...do not have to answer Mr.  
Dearden...

DENIS RANCOURT : ...questions directes...

INTERPRETER: ...who dares ask me direct  
questions...

DENIS RANCOURT : ...devant Monsieur le juge.

INTERPRETER: ...Your Honour.

MR. DEARDEN: No, I was actually looking at  
the judge and...

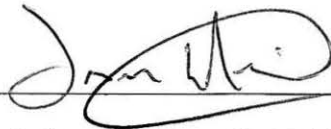
INTERPRETER: No, I was...

MR. DEARDEN: ...ask any question.

THE COURT: In any event, I think it's - he's  
saying he's leaving. He's - we have to  
decide whatever that entails. So.... Yes,  
sir? You want to make some...

MR. DEARDEN: Well, I just wanted to put on  
the record, Your Honour, that absolutely no  
prior notice was given by the Defendant to us  
that he was gonna make the statement that he  
has just made to the Court and obviously, for  
publication. It's stunning that this

THIS IS **EXHIBIT "I"**  
TO THE AFFIDAVIT OF  
**LAUREN CROSBY**  
AFFIRMED BEFORE ME  
THIS 29<sup>th</sup> DAY OF OCTOBER, 2015

A handwritten signature in black ink, appearing to read 'Jason Mercier', is written over a horizontal line.

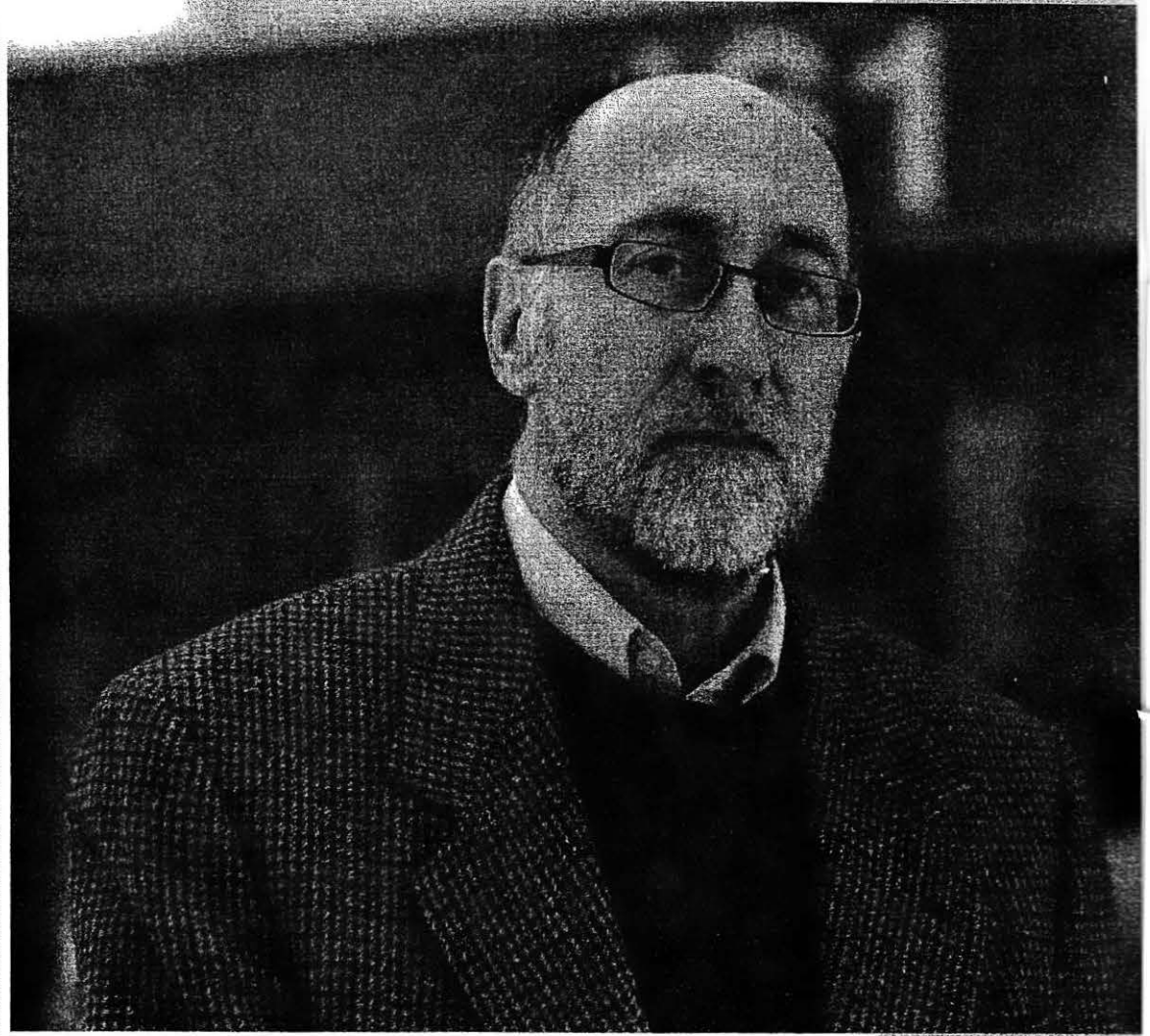
A Commissioner for Taking Oaths

**Jason Joseph Daniel Mercier,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires April 9, 2017.**



## Rancourt walks out on 'kangaroo trial'

BY DON BUTLER, OTTAWA CITIZEN MAY 16, 2014



Denis Rancourt poses for a photo outside the Elgin St. courthouse in Ottawa, Thursday, May 15, 2014. Rancourt is the defendant in a \$1M defamation libel suit filed by uOttawa law professor Joanne St. Lewis (not pictured). The civil jury trial is expected to last about a month.

Photograph by: Mike Carroccetto, Ottawa Citizen

Denis Rancourt is refusing to participate in a defamation trial in which he is accused of libelling Joanne St. Lewis, a University of Ottawa law professor, by suggesting she acted as a "house Negro" in two postings on his blog in 2011.

Judge Michel Charbonneau advised the six-member jury Friday that Rancourt, who is representing himself, had let the know court that "he would not continue to participate in this trial. So we will continue the trial in his absence." Charbonneau offered the jury no explanation of Rancourt's reasons for withdrawing from the proceedings, which had started Thursday.

But in an interview, Rancourt — a former physics professor who was fired by the University of Ottawa in 2009 — cited a "reasonable apprehension of bias" on Charbonneau's part and the judge's decision Thursday to disallow a key legal defence as reasons for his decision to boycott the trial.

"This is the only option I have that does not legitimize something this egregious," said Rancourt, who likened the trial to proceedings in the Soviet Union during the Stalinist era.

Before the trial began, Rancourt said he asked Charbonneau to recuse himself because he's a University of Ottawa graduate and donates money to its scholarship funds, but the judge declined.

On the trial's first day, Rancourt was explaining to the jury that one of his three legal arguments would be an "abuse of process" defence when Richard Dearden, St. Lewis's lawyer, raised objections. Dearden has also acted as counsel for the Citizen for many years.

Though Rancourt cited a precedent for the abuse of process defence in Britain, Charbonneau told him it didn't exist in Canadian courts and he could not raise it during the trial.

"To strike out a pleading is a Draconian measure," Rancourt said, adding that the judge's ruling effectively gutted his defence strategy and created "a fake process where I'm gagged."

"That, to me, is absurd. It's insane," he exclaimed. "It's the opposite of what should happen in a fair process. I'm not going to participate in that kind of kangaroo court."

Rancourt acknowledged that his absence will put the jury in a "very difficult position" when it has to decide whether he defamed St. Lewis, who is claiming \$1 million in damages. "This poor jury is not going to hear the whole story."

But he said he would not reconsider his decision to withdraw from the trial. Asked what he will do if the jury finds in St. Lewis's favour, he replied: "I haven't thought that far ahead."

Meanwhile, in Rancourt's absence, St. Lewis testified Friday about her evaluation of a 2008 report by the university's Student Appeal Centre (SAC) that found there was systemic racism in the processes the university uses to deal with alleged academic fraud by students.

It was that evaluation, which found serious methodological problems with the report, along with emails later released under freedom of information laws, that prompted Rancourt to refer to St. Lewis as he did.

Rancourt made the allegation even though Mireille Gervais, then SAC's director, later wrote that St. Lewis's recommendations — including that the university conduct an independent review to determine if racism played any role in its academic fraud process — echoed those in the report.

St. Lewis testified that she had no contact with university president Allan Rock while she was writing her evaluation. Nor did she read any of the emails between Rock and other university officials about the issue until she started her litigation against Rancourt in 2011, she said.

In one email, Rock raised concerns about St. Lewis's recommendation for an independent review. St. Lewis said that when she finally read the email years later, "it was news to me that he had that concern."

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[twitter.com/ButlerDon](https://twitter.com/ButlerDon)

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R3

DEPARTMENT OF JUSTICE  
File No. CV-11-51657

St. Lewis

VS

Rancourt

Exhibit No. R3

produced by the Plaintiff

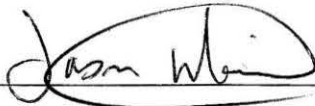
Date May 22, 2014

Name H. Labelle

Clerk / Registrar

"Rancourt walks out on  
Kangas Trial" article  
print-out, (2 pages)

THIS IS **EXHIBIT "J"**  
TO THE AFFIDAVIT OF  
**LAUREN CROSBY**  
AFFIRMED BEFORE ME  
THIS 29<sup>th</sup> DAY OF OCTOBER, 2015

A handwritten signature in black ink, appearing to read "Jason Mercier", is written over a horizontal line.

A Commissioner for Taking Oaths

**Jason Joseph Daniel Mercier,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires April 9, 2017.**



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ana.semenov@gmail.com

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# U OF O WATCH

THIS SITE IS DEVOTED TO TRANSPARENCY AT THE UNIVERSITY OF OTTAWA, OTTAWA, CANADA. UOFOWATCH EXPOSES INSTITUTIONAL BEHAVIOUR THAT IS NOT CONSISTENT WITH THE PUBLIC GOOD.

U OF O WATCH MISSION, IN THE WORDS OF FOUCAULT...

*"One knows ... that the university and in a general way, all teaching systems, which appear simply to disseminate knowledge, are made to maintain a certain social class in power; and to exclude the instruments of power of another social class. ... It seems to me that the real political task in a society such as ours is to criticise the workings of institutions, which appear to be both neutral and independent; to criticise and attack them in such a manner that the political violence which has always exercised itself obscurely through them will be unmasked, so that one can fight against them." -- Foucault, debating Chomsky, 1971.*

U OF O WATCH MISSION, IN THE WORDS OF SOCRATES...

*"An education obtained with money is worse than no education at all." -- Socrates*

VIDEO OF PRESIDENT ALLAN ROCK AT WORK



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Denis Rancourt Legal Fund

MONDAY, JUNE 16, 2014

Cynthia McKinney's petition "Give a Fair Court Hearing to Denis Rancourt" surpasses 1000 signatures

TABARET HALL - U OF O

Cynthia McKinney's change.org petition "Give a Fair Court Hearing to Denis Rancourt" has surpassed 1000 signatures. It is addressed to chief



justices in Ottawa, Ontario, and Canada. 102

Ottawa Citizen articles about the petition are [HERE](#) and [HERE](#).

This petition will be delivered to:

Chief Justice of Canada  
 beverleymclachlin@scc-  
 csc.ca,  
 james.mcnamara@scj-  
 csj.ca

## Give a Fair Court Hearing to Denis Rancourt



Petition by  
 Cynthia McKinney  
 Atlanta, GA

Click image for link to change.org petition



The central admin building in the fall. Photo credit: University of Ottawa

U OF O PRESIDENT  
 ALLAN ROCK



click image for updated posted list of ethical breaches of Allan Rock

POSTED BY DENIS RANCOURT AT 5:04 PM  
 LABELS: CHIEF JUSTICE BEVERLY MCLACHLIN, CYNTHIA MCKINNEY, JOANNE ST. LEWIS, JUSTICE ALEXANDRA HOY, JUSTICE JAMES MCNAMARA, JUSTICE MICHEL CHARBONNEAU, LEGAL SYSTEM, NATURAL JUSTICE, PETITION

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U OF O WATCH -  
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 Denis Rancourt

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Petition Closed

Petitioning Chief Justice of Canada [beverley.mclachlin@scc-csc.ca](mailto:beverley.mclachlin@scc-csc.ca), [james.mcnamara@scj-csj.ca](mailto:james.mcnamara@scj-csj.ca)

## Give a Fair Court Hearing to Denis Rancourt



**Cynthia McKinney** Atlanta, GA



**Cynthia McKinney**

Atlanta, GA

1,194

Supporters

I'm involved in this case because a terrible wrong has been committed and I want to <https://www.change.org/p/beverley-mclachlin-scc-csc-ca-james-mcnamara-scj-csj-ca-give-a-fair-court-hearing-to-denis-rancourt> standing up for a professor who stood up for University of Ottawa students and then got fired for doing so. Help [Copy link](#) up for justice by supporting Professor Denis Rancourt. Here's what happened and here's how you can help.

Give a Fair Court Hearing to Denis Rancourt

**Petition Closed**

Thanks for signing. Now help this campaign succeed by getting your friends to sign!  
1,194 supporters  
306 needed to reach 1,500

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[beverley.mclachlin@scc-csc.ca](mailto:beverley.mclachlin@scc-csc.ca),  
[james.mcnamara@scj-csj.ca](mailto:james.mcnamara@scj-csj.ca): Give a Fair Court Hearing to Denis Rancourt

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## Petition Background

Denis Rancourt is a former tenured physics professor at the University of Ottawa who was fired in 2009. He ran the "U of O Watch" blog critical of the university administration, and created popular activism courses for social change.

In 2011, the University of Ottawa sponsored a defamation lawsuit against him after he defended a student report that accused the university of racial discrimination. The lawsuit is about a blog article on "U of O Watch" in which Dr. Rancourt concluded (correctly, it turned out) that the university president had asked a black professor to criticize the student report. [See student video "Hazel Gashoka Speaks Out on SAC...".]

This petition is to protest an Ontario Superior Court judge's decision on May 15, 2014, to summarily toss out Dr. Rancourt's legal defence during his opening statement to the jury, in the defamation lawsuit funded by the University of Ottawa to silence him. The judge, Michel Z. Charbonneau, is an alumnus of the university and an annual donor to the institution.

In any justice system, a judge cannot be or appear to be biased, and each party is entitled to a fair hearing. A fair hearing means that a defendant must know the charges against him and must know the defences available to him. In this case, after more than three years of legal procedures, the judge summarily discarded Dr. Rancourt's main defence without any valid justification, when asked to do so by the opposing party, in the middle of Dr. Rancourt's opening statement to the jury.

The off-the-cuff gagging of Dr. Rancourt by the judge during the opening statement to the jury was so egregious that the professor walked out of the trial in express protest so as not to further legitimize the unjust hearing. Under Canadian law, the trial is continuing in his absence. The university president who fired Professor Rancourt and who asked for the criticism of the student report is a former Liberal Party of Canada federal Minister of Justice and a witness at the trial.

Prior to trial, Dr. Rancourt, who is self-represented, had asked then Regional Senior Judge Charles Hackland (who resigned on May 8, 2014) to name a case judge who had no connection with the University of Ottawa, and had made a formal motion for the trial judge to recuse himself because of the judge's shared interests with the University of Ottawa. Dr. Rancourt's defence was introduced more than three years prior to trial, and had been scrutinized in detail and allowed, only to be abruptly cancelled while Dr. Rancourt was presenting it to the jury.

Help defend justice by signing this petition telling the national, provincial, and regional chief justices of Canada to stop the trial against Dr. Rancourt and to start again with a judge that has no ties to the University of Ottawa.

To: Beverley McLachlin, Chief Justice of Canada  
 Alexandra Hoy, Associate Chief Justice to the Court of Appeal for Ontario  
 Heather Forster Smith, Chief Justice of the Ontario Superior Court of Justice  
 James E. McNamara, Regional Senior Judge of the East Region

We, the undersigned, wish to express our grave concern about the on-going Ontario Superior Court of Justice's unjust treatment at trial of Dr. Denis Rancourt, by the trial judge summarily tossing out Dr. Rancourt's main defence while Dr. Rancourt was explaining it to the jury.

This is an egregious anomaly, and an affront against justice in Canada. The circumstances are such as to put Canadian courts into disrepute.

The defendant had asked then Regional Senior Judge Charles Hackland to name a case judge who had no ties to the University of Ottawa, had made a formal motion for the trial judge to recuse himself because of the judge's shared interests with the University of Ottawa, and had successfully defended his main defence in a pre-trial motion.

The trial judge's in-court behaviour, in allowing the defendant's statement of defence to be edited on the fly by the opposing party during the defendant's opening statement to the jury is a shocking affront against basic justice.

This attempt to railroad Dr. Rancourt in his defamation trial is a disservice to all justice-seeking citizens. As such, we, the undersigned, ask the Canadian judicial system to uphold its commitment to justice and to the citizens of Canada by allowing a new trial with a trial judge who has no ties to the University of Ottawa or to the Liberal Party of Canada.



105

Letter to

**Chief Justice of Canada** [beverley.mclachlin@scc-csc.ca](mailto:beverley.mclachlin@scc-csc.ca), [james.mcnamara@scj-csj.ca](mailto:james.mcnamara@scj-csj.ca)

Give a Fair Court Hearing to Denis Rancourt

Updates

1. 1 year ago  
**1,000 supporters**
2. 1 year ago  
**Petition update**

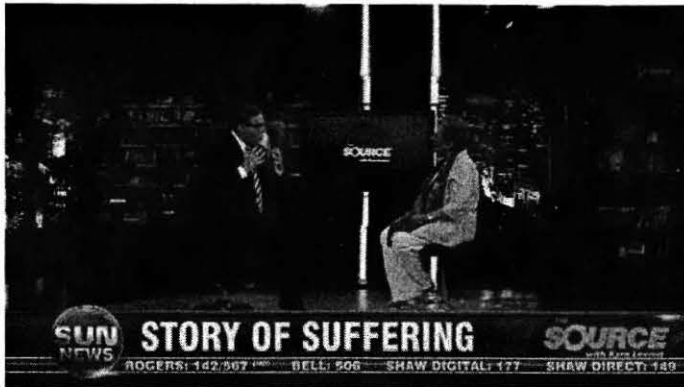
### **U of O prof ... finds an ally in a former U.S. politician, who is black**

<http://ottawacitizen.com/storyline/u-of-o-prof-who-was-fired-for-a-racial-slur-finds-an-ally-in-a-former-u-s-politician-who-i...>

0 comments

3. 1 year ago  
**500 supporters**
4. 1 year ago  
**Petition update**

### **University of Ottawa paying for pointless legal battles**



<http://www.sunnewsnetwork.ca/video/featured/prime-time/867432237001/university-of-ot...>

0 commentssunnewsnetwork.ca

5. 1 year ago  
**Petition update**

### **Accordez un procès équitable à Denis Rancourt -- texte de la pétition en FR**

<http://ocla.ca/wp-content/uploads/2014/05/P%C3%A9tition-McKinney-FR.pdf>

0 comments

6. 1 year ago  
**250 supporters**
7. 1 year ago  
**Petition update**

### **Petition hits Ottawa mainstream media -- "seeks new trial for Denis R"**

<http://ottawacitizen.com/news/local-news/petition-started-by-u-s-activist-cynthia-mckinney-seeks-new-trial-for-denis-ranc...>

[0 comments](#)

106

8. 1 year ago

**50 supporters**

9. 1 year ago

**Petition update**

---

### The Ontario Civil Liberties Association endorses the petition



OCLA endorses the petition and has a campaign about this case: "Public Money is..."

[0 commentsocla.ca](#)

10. 1 year ago

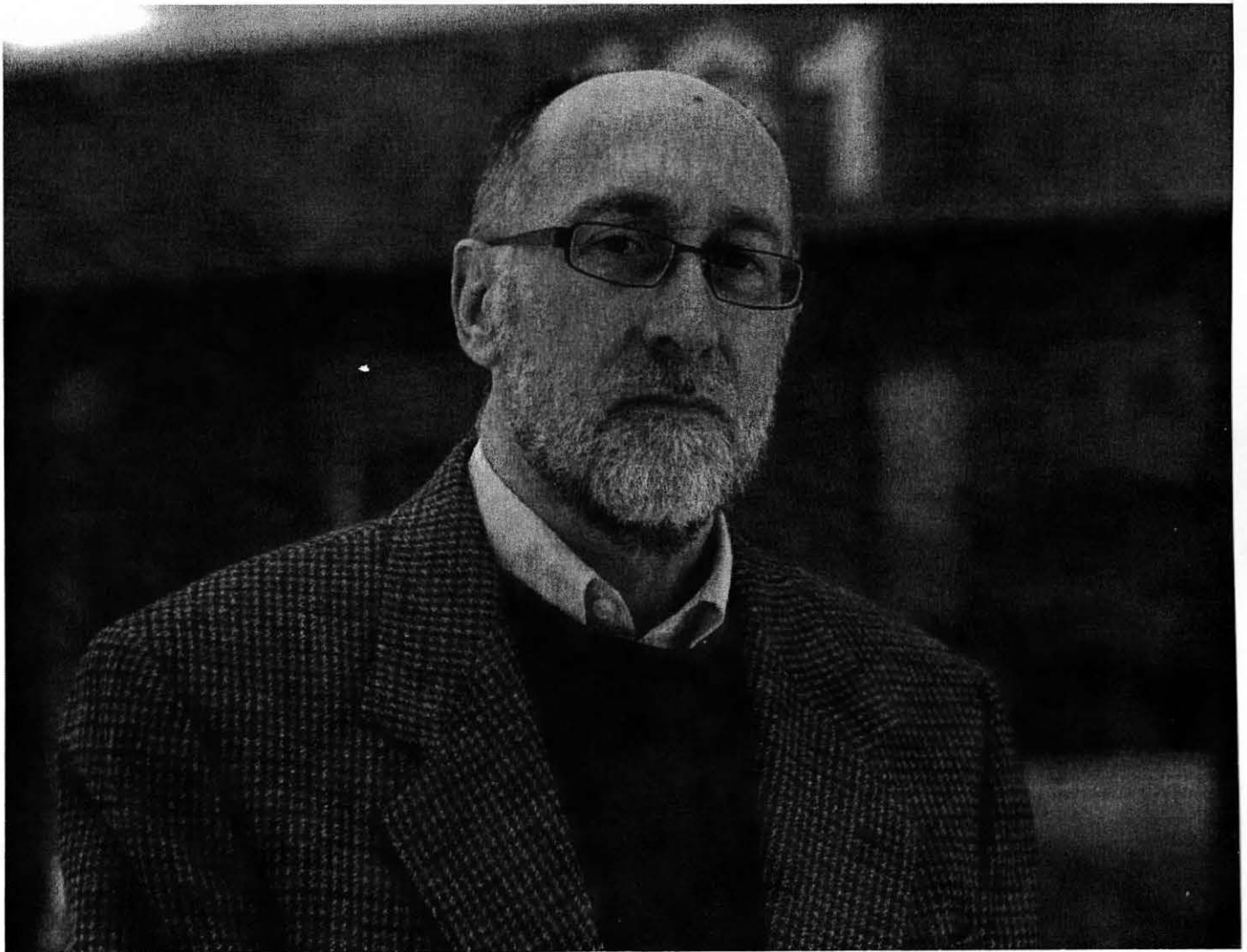
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11. 1 year ago

**Petition update**

---

### Rancourt walks out on 'kangaroo trial'



<http://www.ottawacitizen.com/life/Rancourt+walks+kangaroo+trial/9848050/story.html>

[0 commentsottawacitizen.com](#)

107

12. 1 year ago

**5 supporters**

13. 1 year ago

**Cynthia McKinney started this petition**

## Reasons for signing

- [Most Popular](#)
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- [Nancy McColl](#) OTTAWA, CANADA
  - over 1 year ago
  - Liked 2

I am a graduate of University of Ottawa; I cannot believe that the plaintiff is receiving her legal costs paid for by the university to sue a former professor of the same university! Nor can I believe the judge in this case has direct ties to the university of Ottawa as an graduate and other obvious bais. Wow. As an Ontarian this feels like a banana republic.

### REPORT THIS COMMENT:

This comment is inappropriate

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- [Greg Byers](#) DUNVEGAN, ON, CANADA
  - over 1 year ago
  - Liked 1

If you need an example of a clear conflict of interest in a court proceeding (judge and plaintiff), this is a classic. This is important to anyone who expects judicial fairness.

### REPORT THIS COMMENT:

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- [Terence Blackett](#) VIRGINIA BEACH, VA
  - over 1 year ago
  - Liked 1

Time to kick insidious race hate out of our hallowed halls of learning... Skin color or the lack thereof cannot be a cover for insalubrious shenanigans, petty, ignorant social politics and this entrenched preVictorian ideology miasma of racial supremacy in any form... We are "ALL" one specie created under GOD\* - red, yellow, Black\* & light...

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English (Canada) ▼

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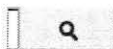
THIS IS **EXHIBIT "K"**  
TO THE AFFIDAVIT OF  
**LAUREN CROSBY**  
AFFIRMED BEFORE ME  
THIS 29<sup>th</sup> DAY OF OCTOBER, 2015

A handwritten signature in black ink, appearing to read "Jason Mercier", is written over a horizontal line.

A Commissioner for Taking Oaths

**Jason Joseph Daniel Mercier,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
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111



## Hazel Gashoka Speaks Out on SAC and St. Lewis Reports



Hazel Gashoka

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15 1

Published on Feb 6, 2013

Professor St. Lewis threatens to sue me for my opinion: <http://stlewisvrancourt.wordpress.com...>

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### ALL COMMENTS (11)



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samuel dessie 1 month ago

my opinion is ignoring those people and focused on your job,that is answer.

[Reply](#)


YouTubeRevolutionary 2 years ago

Please read the book "Yurugu" so you can understand more how Europeans use manipulation to get non-white people to do their bidding. If you "overstood" this, you would not have attacked Ms. St. Lewis, a woman with whom you have more in common despite your different opinion on this issue. I say all of this because it is so obvious that you are being used by these whites just as you accused Ms. St. Lewis of being used. Racism is refined now. It comes in the image of the white "anti-racist" activist.



Nutmeg66 2 years ago in reply to Sue Garra

The content of this video is outrageous. That she condones (especially as a racialized person) the use of "house negro" is baffling. It includes a slur and its history is rooted in oppression and injustice. Please don't allow her opinions to confuse your perception of its meaning. A person referred to as such isn't the subject of respect either from their alleged masters or their own racial group. It's another way of debasing someone based on race. It's a term used by racists and enablers.



roarker1 2 years ago

As long as we have powerful cowards who hide behind defamation laws there will remain a chilling effect on freedom of speech in this country. Perhaps the more polite term of "tokenism" might be easier to swallow than the term being used here. But the net effect remains the same. Defamation laws were created by elites to protect the elites. Does anyone seriously believe that defamation laws were made to protect the reputation of homeless

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 by TheRealNews  
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 by Hazel Gashoka  
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 by likewootwootmypeeps  
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 by Financial Times  
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**Alison Krauss - Down to the River to Pray**

by B10gB2



seriously believe that defamation laws were made to protect the reputation of harmless people? Thank you Hazel for your brave, insightful words.

112



YouTubeRevolutionary 2 years ago

You're acting in the same manner that Ms. St. Lewis apparently acted by making this video. It's not OK for an outsider to use such an epithet. It is highly offensive that this white man, who has no historical basis for claiming moral superiority over black women, used that term. You say we should "stop looking at the surface of things". OK, if you look deeply you'll realize that white institutions are inherently racist at their core. So to attend one & expect no racism is the height of foolishness.



Someone III Pass 2 years ago in reply to Someone III Pass

In today's world multiculturalism is becoming the norm hence racism is lowering; (compared to the past in total) As human instinct would dictate.

To feel is uncontrollable and should not be judged, But to act is controllable and should be judged.



Nutmeg66 2 years ago in reply to Sue Garra

I would also like to submit that the definition Hazel provides is based on a fallacy in this case. Having reviewed some of the related documents and being familiar with Prof. St. Lewis's social justice advocacy, I encourage you and others to watch "Hazel Gashoka's Press Conference (Full Video)." There's clear misunderstanding of her work and values and NO denial of systemic racism at the university on her part. Hopefully my comments will be fairly considered.



Sue Garra 2 years ago

I was thinking with some friends about this controversy and we came to the conclusion that, based on the definition as it is explained in the video, the expression used does not qualify as racist because it criticizes a person on account of his or her attitude or behavior and not on account of his or her being of a certain race or ethnic group.



Someone III Pass 2 years ago

If it wasn't for the Ideology of racism I don't think humans would have survived as well as we have. People will never stop being racist, and it's for the better we don't! It's when racism gets out of hand, such as hate crimes or unequal treatment that are counter productive. Humans are weak creatures compared to any other animal (pound for pound.) We owe our survival upon being judgmental and distant of the unknown. That brings forth "racism".



BlaklilLuminus 2 years ago

I can't even begin to describe how deeply it saddens me that people would go to such lengths as to attack those making a legitimate case to be treated fairly and equally as members of the very same species than to admit they made a mistake, or that they aren't perfect human beings.



YouTubeRevolutionary 2 years ago

Ms. St. Lewis was correct to ignore your multiple emails. Sadly, it is obvious that you are a victim of the mis-education you underwent in the system of racism/white supremacy.

28,052 views

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Blind date turns nasty

by KTN News Kenya

21:43 753,117 views

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Lewis Middle School Talent  
Show

by panderbear146

0:55 1,986 views

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by MIT OpenCourseWare

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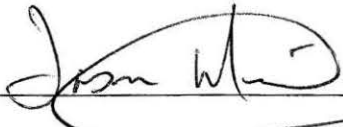
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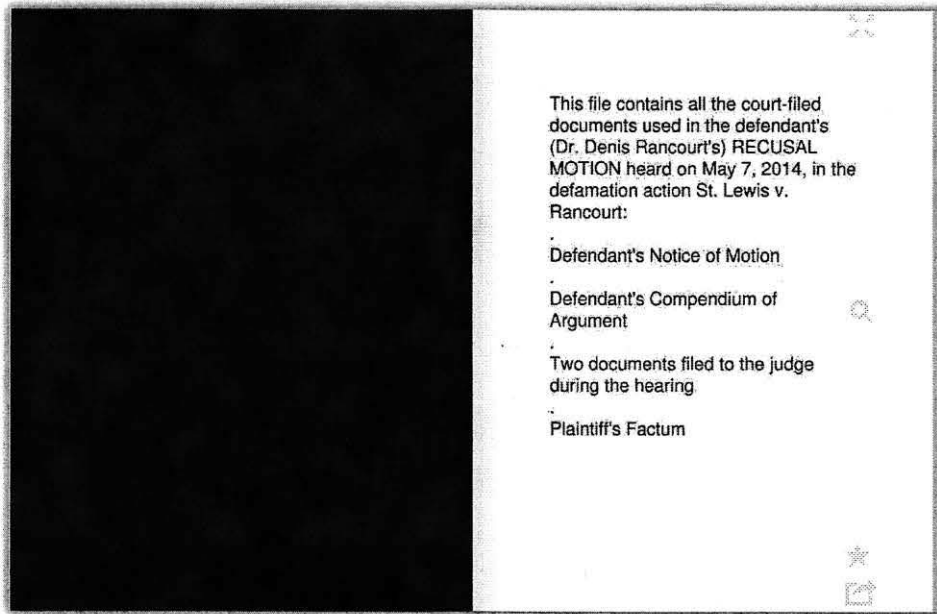
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THIS 29<sup>th</sup> DAY OF OCTOBER, 2015



A Commissioner for Taking Oaths

**Jason Joseph Daniel Mercier,**  
**a Commissioner, etc., Province of**  
**Ontario, while a Student-at-Law.**  
**Expires April 9, 2017.**

114



## 2014-05-07--All-court-filed-documents-- Denis Rancourt-s-Recusal-Motion

by [Denis Rancourt](#)

Published [May 7, 2014](#)

Topics [Denis Rancourt](#), [recusal motion](#), [legal system](#), [judicial bias](#)

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This file contains all the court-filed documents used in the defendant's (Dr. Denis Rancourt's) RECUSAL MOTION heard on May 7, 2014, in the defamation action *St. Lewis v. Rancourt* in the Ontario Superior Court of Justice:

Defendant's Notice of Motion

Defendant's Compendium of Argument

Two documents filed to the judge during the hearing

Plaintiff's Factum

Pages 73

Language [English](#)

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**A Mind of His Own - very**  
short story by Denis  
 by Denis G. Rancourt

5 0 0



**Factum APUO - Motion to**  
Strike - Rancourt  
 by Sean McGee

3 0 0



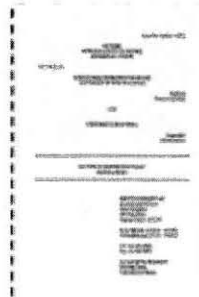
**2014-06--ORDERS-at-**  
Trial--StLewis-v-Rancourt  
 by Michel Charbonneau

78 0 0



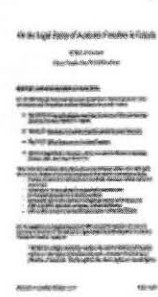
**July 2014 Plaintiff's**  
motion to force defendant  
 by Denis Rancourt

33 0 0



**Factum U of O - Motion to**  
Strike - Rancourt  
 by Lynn Harnden

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**On the Legal Status of**  
Academic Freedom in  
 by Denis Rancourt

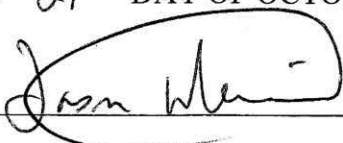
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**Respondent's Factum --**  
ONCA hearing of June  
 by Richard Dearden

40 0 0

THIS IS **EXHIBIT "M"**  
 TO THE AFFIDAVIT OF  
**LAUREN CROSBY**  
 AFFIRMED BEFORE ME  
 THIS 29<sup>th</sup> DAY OF OCTOBER, 2015



A Commissioner for Taking Oaths

**Jason Joseph Daniel Mercler,**  
 a Commissioner, etc., Province of  
 Ontario, while a Student-at-Law.  
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## U OF O WATCH

THIS SITE IS DEVOTED TO TRANSPARENCY AT THE UNIVERSITY OF OTTAWA, OTTAWA, CANADA. UOFOWATCH EXPOSES INSTITUTIONAL BEHAVIOUR THAT IS NOT CONSISTENT WITH THE PUBLIC GOOD.

U OF O WATCH MISSION, IN THE WORDS OF FOUCAULT...

*"One knows ... that the university and in a general way, all teaching systems, which appear simply to disseminate knowledge, are made to maintain a certain social class in power; and to exclude the instruments of power of another social class. ... It seems to me that the real political task in a society such as ours is to criticise the workings of institutions, which appear to be both neutral and independent; to criticise and attack them in such a manner that the political violence which has always exercised itself obscurely through them will be unmasked, so that one can fight against them." -- Foucault, debating Chomsky, 1971.*

U OF O WATCH MISSION, IN THE WORDS OF SOCRATES...

*"An education obtained with money is worse than no education at all." -- Socrates*

VIDEO OF PRESIDENT ALLAN ROCK AT WORK



DONATE TO THE DENIS RANCOURT LEGAL FUND

WEDNESDAY, JULY 22, 2015

"Free Speech is Dead in Canada (video)"--Brave The World



A video report about the *St. Lewis v. Rancourt* lawsuit at the University of Ottawa, by Julia Tourianski of *Brave The World*, was published today: [LINK](#).

POSTED BY DENIS RANCOURT AT 2:31 PM  
LABELS: ALAN ROCK, DEFAMATION LAW, DENIS RANCOURT, FREE EXPRESSION, JOANNE ST. LEWIS, JULIA TOURIANSKI, LAWSUIT, MEDIA

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Denis Rancourt Legal Fund

TABARET HALL - U OF O



The central admin building in the fall.  
Photo credit: University of Ottawa

U OF O PRESIDENT ALLAN ROCK

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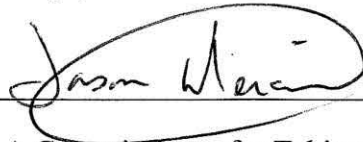
**U OF O WATCH - CREATING TRANSPARENCY**[Denis Rancourt](#)[Denis Rancourt](#)**DISCLAIMER:**

Unless otherwise stated, the views expressed in posts and comments are those of the posting authors. Except if otherwise stated, the views and positions of UofOWatch are those of Denis G. Rancourt, former professor of physics at the University of Ottawa.

Obviously, links and references to cited works do not imply agreement with or endorsement of the views expressed or information in the linked postings or cited works.

**VISITS TO DATE****LINKS**[A Student's Eye View \(U of O Senate madness\)](#)[Academic Freedom - Rancourt case Activist Teacher](#)[CHUO 89.1 FM The Train campus radio show](#)[Corporate UofO mission statement](#)[Corporate UOttawa site](#)

THIS IS **EXHIBIT "N"**  
TO THE AFFIDAVIT OF  
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THIS 29<sup>th</sup> DAY OF OCTOBER, 2015



A Commissioner for Taking Oaths

**Jason Joseph Daniel Mercier,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires April 9, 2017.**

# U OF O WATCH

This site is devoted to transparency at the University of Ottawa, Ottawa, Canada. UofOWatch exposes institutional behaviour that is not consistent with the public good.

Monday, September 28, 2015

## St. Lewis v. Rancourt defamation case: Rancourt files Application for leave to appeal to the Supreme Court of Canada



Denis Rancourt at the Supreme Court entrance to the Registry, on September 28, 2015

The defendant, then appellant, now applicant Denis Rancourt today served and filed an Application for leave to appeal to the Supreme Court of Canada requesting an appeal from the recent judgment of the Court of Appeal for Ontario in the *St. Lewis v. Rancourt* defamation case.

The full 343-page Application is publicly posted [HERE-LINK](#), or [HERE-PDF](#).

A summary of the Application is:

SUMMARY -- The appellate court showed animus toward the applicant. •The appellate court made a new repressive law that



allows permanent gag orders against persons with limited financial means. •The appellate court approved the trial judge's decision to disregard all evidence in the applicant's favour because it was introduced by the other side. •The appellate court ignored the applicant's constitutional ground against the large costs for trial. •The appellate court decided that the trial judge's financial and emotional ties with the other side did not give an appearance of bias, and failed to consider whether the trial judge's in-court statements show bias. •This occurred in an appeal where the applicant could not complete his submissions due to being interrupted many times because he chose to speak in French.

The Application raises the following questions of national importance:

*(i) Is the common-law "Astley test" used in ordering permanent injunctions against unknown expression following findings of defamation constitutional and consistent with Canada's obligations pursuant to the International Covenant on Civil and Political Rights, and was the applicant's right of freedom of expression thereby violated by the permanent injunction?*

*(ii) Under what conditions, if any, can a judge disregard evidence on the trial record because one party did not "call" or "introduce" it, in deciding whether to put defences to the jury, and were the applicant's Charter rights of a fair trial and of freedom of expression thereby infringed or denied by the lower courts themselves?*

*(iii) Under what conditions are costs of trial ordered against a defendant in a defamation action unconstitutional and incompatible with Canada's obligations pursuant to the International Covenant on Civil and Political Rights, and did the*

*lower courts themselves violate the applicant's right of freedom of expression with costs?*

*(iv) Is the Canadian common law test for reasonable apprehension of bias (judicial bias) unconstitutional by virtue of being a violation of Article 14(1) of the International Covenant on Civil and Political Rights, and did the lower courts themselves thereby violate the applicant's right to a fair trial?*

*(v) Did the appellate court itself violate the applicant's equal-language Charter rights and privileges?*

The Ontario Civil Liberties Association opposes the University of Ottawa's funding of the legal costs of the plaintiff/respondent: [HERE-LINK](#).

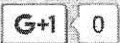
A recent video-report about the case was published by Brave The World: [HERE-LINK](#).

A blog-article history of the case is [HERE-LINK](#).

All the court-filed documents in the case are [HERE-LINK](#).

A file number has not yet been assigned to the Application. The procedure foresees that the file number is to be assigned within 30 days.

Denis Rancourt at 3:15 PM



No comments:

Post a Comment

Comments are moderated to control automatic spam. All non-anonymous comments are welcome. -dgr

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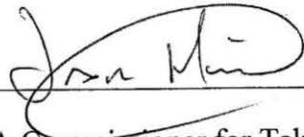
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U of O Watch - Creating transparency

-  Denis Rancourt
-  Denis Rancourt

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THIS IS **EXHIBIT "O"**  
TO THE AFFIDAVIT OF  
**LAUREN CROSBY**  
AFFIRMED BEFORE ME  
THIS 29<sup>th</sup> DAY OF OCTOBER, 2015



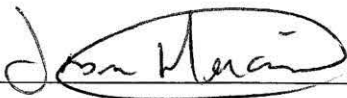
A Commissioner for Taking Oaths

**Jason Joseph Daniel Mercier,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires April 9, 2017.**

Page 125



THIS IS **EXHIBIT "P"**  
TO THE AFFIDAVIT OF  
**LAUREN CROSBY**  
AFFIRMED BEFORE ME  
THIS 29<sup>th</sup> DAY OF OCTOBER, 2015

A handwritten signature in black ink, appearing to read "Jason Mercier", is written over a horizontal line.

A Commissioner for Taking Oaths

**Jason Joseph Daniel Mercier,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires April 9, 2017.**

## Présentation orale de Denis Rancourt du 26 juin 2015

*Joanne St. Lewis v. Denis Rancourt — ONCA, Dossier No. C59074*

Messieurs et madame les juges, je suis le docteur Denis Rancourt, je suis l'appelant, et j'étais le défendeur.

Je tiens à souligner que je m'appuie sur toutes mes soumissions, en entier :

- mon Factum d'appel (ou mémoire d'appel)
- mon Avis d'appel
- mon Avis supplémentaire et corrige d'appel
- mon Avis de questions constitutionnelles

... car, oralement, aujourd'hui, j'ai presque uniquement le temps de répondre au factum de Mr. Dearden, l'avocat de la plaignante. Je ne ferai pas une revue de mon factum.

J'ai pratiqué une présentation qui dure moins de 40 minutes.

Le Plan de ma présentation est comme suit :

- Réponse aux théories de Mr. Dearden sur mes défenses en diffamation
- Réponse aux apparentes suggestions de Mr. Dearden sur la légalité des injonctions permanentes
- Réponse sur la question de la limite statutaire
- Preuve qu'il y avait une entente pour montrer la vidéo de Malcolm X au jury
- Demande de permission pour faire appel des coûts du procès
- Les Raisons du 6 juin 2014 pour l'injonction permanente, comme preuve de partialité

Aimeriez-vous une copie de mes notes de présentations orales, en français?

**1. La toute première question centrale en appel est : Est-ce que c'était constitutionnel de diriger le jury d'admettre aucune défense pour diffamation?**  
[« Issue #1 », dans mon factum]

En autres-mots, est-ce que j'ai eu un procès juste, qui a permis de considérer ma protection légale pour mon expression? -- car la loi prescrit des protections pour permettre la diffamation dans plusieurs situations factuelles. La diffamation peut être protégée par la loi.

Les neuf éléments factuels relatifs à cette question centrale sont les suivants :

UN — J'ai toujours, sans répit, défendu mon droit d'expression et je continue assidument à le faire, maintenant en appel.

DEUX — J'ai dûment déposé une Défense qui n'a jamais été radiée

TROIS — J'ai dûment participé dans toutes les nombreuses motions, pendant 3 ans avant le procès

QUATRE — J'ai vivement participé dans toutes les audiences d'avant procès

CINQ — J'étais présent, en personne, en court, NEUF des quinze jours du procès, incluent :

[Présent : 7, 12, 13, 14, 15, 16p mai, 3p, 5, 6 juin / Absent : 20, 21, 22, 23 mai, 2, (4) juin]

- les motions entendues dans le procès
- les voir dires entendus dans le procès
- les énoncés d'ouverture au jury
- les preuves et témoignages de la plaignante
- le verdict du jury du 5 juin, et
- la motion pour injonction permanente, les 5 et 6 juin 2014.

J'étais présent pour ces neufs (9) jours du procès.

SIX — Dans mon énoncé d'ouverture au jury, j'ai expliqué en détails ma défense dite « fair comment » ainsi que les nombreuses preuves qui allaient soutenir cette défense.

Dire = partie de l'énoncé d'ouverture [Onglet G1 (Appeal Book, Tome I) : extrais du procès-verbal du 15 mai] (Aussi, Tome 5 « transcripts », p. 57-66)

J'ai aussi expliqué ma défense de limitation ainsi que la question centrale de preuve vis-à-vis cette défense de limitation.

Dire = partie de l'énoncé d'ouverture [Onglet G5 (Appeal Book, Tome I) : extrais du procès-verbal du 15 mai] (Aussi, tome 5 « transcripts », p. 55-57)

SEPT — Les preuves pour ma défense ont été déposées par la plaignante devant moi pendant que j'étais dans le procès le 15 mai. Toutes les preuves, plus que suffisantes, étais devant la cour et devant le jury. [Voir les paras. 13-15 et 17 de mon Factum.]

HUIT — Je n'ai jamais dit que j'abandonnais ma défense. Au contraire, j'ai écrit à la Cour le 20 mai, pour exprimer que je n'avais pas abandonné ma défense (exhibit R1) et le juge a bien rapporté ceci dans sa Décision du 6 juin :



« ... he [Defendant] wrote a letter to the newly-appointed Regional Senior Justice, James McNamara, ... he said he had not withdrawn his defence ... »

[Onglet D3 (Appeal Book), oral Reason for Decision, p. 6, lignes 12-16, en référence à R1]

NEUF — Le juge Charbonneau n'a jamais trouvé, pendant toute la période du procès et dans les décisions du procès, que j'avais abandonné ma défense. Au contraire, il a dit au jury :

« You must not use the fact that Mr. Rancourt chose to end his participation in the trial for him or against him. As far as you are concerned, for the purpose of your decision, that fact is a totally irrelevant fact. »

[Onglet G3 (Appeal Book, Tome I) : extraits du procès-verbal du 3 juin, tome 12, p. 15, lignes 27-33]

et ensuite, il a dit :

« The defendant here has not introduced any evidence establishing a defence. Therefore, there is no defence for you to consider. »

[Onglet G4 (Appeal Book, Tome I) : extraits du procès-verbal du 3 juin, tome 12, p. 19, lignes 17-20]

### La théorie de Mr. Dearden

En contraste, Mr. Dearden affirme à plusieurs reprises dans son factum **sa théorie** (mainte fois répété pendant le procès) que, dans ses mots : « he abandoned his defence ». [para. 6, 7, 24]

C'est une fausse théorie qui aurait comme effet de complètement nier mon droit constitutionnelle de liberté d'expression et d'opinion.

La réalité est plutôt comme suit :

Le 16 mai (2014), j'ai dit à la cour — pas la traduction en anglais que Mr. Dearden avance et qu'il utilise hors contexte — mais j'ai bien dit, en français, dans le contexte :

Dire = [Les pages 1 à 17 du procès-verbal du 16 mai (Tome 6)] (17 pages!)

Je cite : « J'ai une question importante qui va changer la **procédure** et j'aimerais trois minutes pour expliquer ça. » (p. 1)

Donc j'ai immédiatement (p. 1) précisé que je changeais la procédure, pas ma Défense.

J'ai ensuite expliqué (pages 1 à 10) des injustices de procédure dont je me plaignais, pour enchaîner : je cite « Ça fait plus de trois ans que je me bats pour une justice procédurale dans cette action ... » (p. 10-11), et plus loin : « Je suis outré par ce bâillonnement imposé de façon d'apparence arbitraire qui ne me permet pas d'être entendu. » (p. 12-13)

Et, dans la suite, les derniers mots étaient : (p. 15 à 17)

MOI : J'ai été très choqué par ces événements incompréhensibles et j'ai été profondément perturbé toute la journée d'hier, confus aussi, en tant que personne autoreprésentée. Ce matin j'informe la Cour que je ne peux plus participer dans un tel **processus**. Je quitte donc ce **processus** injuste. **Vous allez prendre les décisions en mon absence**. C'est terminé pour moi. Je quitte.

MR. DEARDEN : Just go on record, Your Honour, that ... Mr. Rancourt ...

LA COUR : Well, we'll see ... we'll wait for Mr. Rancourt. Apparently, he's leaving now. Vous quittez maintenant ... monsieur Rancourt?

MOI : Oui ... je quitte.

MR. DEARDEN : Are you abandoning your defence, Mr. Rancourt? Mr. Rancourt, I asked you a question.

MOI : Je, je, je quitte et je souligne à la Cour que je n'ai pas à répondre aux questions de monsieur Dearden qui ose me poser des questions directes devant Monsieur le juge.

MR. DEARDEN : No, I was actually looking at the judge and ask any question.

LA COUR : In any event, I think it's - **he's saying he's leaving**. He's - we have to decide whatever that entails. So.... Yes, sir? You want to make some...

Et voilà, je n'ai jamais dit que j'abandonnais ma défense. Je me suis plaint de la procédure et d'être bâillonné. J'avais l'attente certaine que les défenses auxquelles j'avais droit seraient considérées par le jury. Et j'ai insisté en écrit le 20 mai que je n'abandonnais pas ma défense.

Si j'avais eu la moindre indication que le juge allait bloquer une considération de ma défense, je me serais objecté intensément. Mais le juge a donné sa directive à la dernière heure pendant sa charge au jury.

Mr. Dearden avance une seule autorité pour appuyer sa théorie d'abandon [son para. 52] :

*Rando Drugs v. Scott* 2007 ONCA 553

Mais *Rando* ne s'applique pas du tout au cas devant vous :

Dans *Rando*, l'appellant n'est pas allé en procès — il n'y pas eu de procès relatif à la cause — la contre cause a été radié sur le champ, explicitement et immédiatement, avant que le juge ne découvre plus tard qu'il avait un conflit de partialité.

Dans *Rando*, l'appellant n'avait pas expliqué son cas, ni au juge ni à un jury, en disant comment les preuves appuyait son cas

Dans *Rando*, il n'y avait pas de preuve, aucune, devant la cour qui pouvait soutenir l'argument de l'appellant

Dans *Rando*, l'appellant n'avait pas exprimé par écrit qu'il continuait son cas, mais plutôt l'appellant dépendait uniquement sur un argument de crainte raisonnable de partialité

Dans *Rando*, la décision du juge était purement technique et il n'y avait pas de question constitutionnelle — comme c'est le cas présentement.

Avec tout respect a Mr. Dearden, *Rando* n'est pas utile dans les circonstances de mon appel.

Mr. Dearden argumente longuement (ses paras. 55 à 59) que je ne serais pas retourné en Cour si le juge avait indiqué que mes défenses allaient être bloquées. Ces faux arguments de Mr. Dearden montrent bien que j'aurais pu revenir au désir et au besoin, si j'avais été informé que ma défense serait effectivement radiée.

C'était un choix de ma part.

C'était mon choix de ne pas contre-examiner la plaignante et ses témoins.

C'était mon choix de ne pas être un témoin,

C'était mon choix de ne pas être contre-examiné,

C'était mon choix de ne pas déposer des preuves additionnelles aux preuves déjà déposées par la plaignante,

C'était mon choix de ne pas faire un énoncé de fermeture,

C'était mon choix de ne pas me battre pour les mots précis de la charge au jury, et  
C'était mon choix de me fier à la cour de procès pour mettre mes Défenses devant le jury.

Ce sont mes décisions de gestion de ma défense.

Mon absence ne représente que ces décisions de gestion de ma défense, et rien d'autre.

J'avais laissé un fœtus viable dans la cour, et la cour devait lui donner une chance à la vie, car  
toute étais en place pour que mon droit constitutionnelle d'expression soit respecté.

Aussi, Mr. Dearden avance ~~à son para. 35~~ que la détermination de malice (ou de malveillance)  
aurait défaire la défense « fair comment » si celle-ci avait été présentée dans la charge au jury.

La proposition de Mr. Dearden est intenable parce que pour que la malice puisse défaire la  
défense de « fair comment », cette malice doit-être le motif **dominant** pour l'expression ciblé  
particulière.

La Cour suprême est claire sur ce point.

Dans *WIC Radio Ltd. v. Simpson*, [2008] 2 SCR 420, 2008 SCC 40 (CanLII), nous avons :

Au para. 4

La Majorité : « In the absence of demonstrated malice on his part (which the trial judge  
concluded was not a dominant motive), his expression of opinion, however exaggerated, was  
protected by the law. »

Au para. 106

Juge LeBel, en concordance avec la majorité, sur une revue du test pour malice affirme : « The  
requirement that malice be the **dominant** motive for expressing an opinion in order to defeat  
fair comment helps maintain a proper balance between protecting freedom of expression and  
reputation. » [emphasis dans l'original]

[et voir le para. 55 de mon factum, *WIC* re malice]

Or, dans mon procès, la question de la malice n'a été posée au jury que dans le contexte  
strictement limité à la détermination des dommages aggravent.

La question du motif dominant pour l'expression ciblé n'a jamais été posé au jury. On ne peut  
pas savoir si le jury aurait trouvé qu'une malice existait qui était suffisante pour défaire la  
défense « fair comment » — Impossible de savoir car la question n'a jamais été posée au jury.

[voir la charge au jury, Onglet G6, Tome I, Appeal Book]

[voir réponses du jury, Onglet D1, Tome I, Appeal Book; (Exhibi #J3)]

Aussi :

[voir le para. 48 de mon factum, re : partialité du juge en endossant le verdict du jury]

## **2. La deuxième question, parallèle et centrale, en appel est :**

[« Issue #4 », dans mon factum]

L'injonction permanente — qui interdit des communications inconnues, et qui se base sur mon impécuniosité — est-elle constitutionnelle, et le droit commun du test pour cette injonction (le soi-disant test « *Astley v. Verdun* ») est-il constitutionnelle?

[voir la Notice de question constitutionnelle, para. 8, pour le test *Astley*]

Mr. Dearden avance deux autorités (une à la Cour suprême, et l'autre dans cette Cour) pour apparemment donner la fausse impression que cette question constitutionnelle a déjà été répondue dans une cour d'appel.

Sa première autorité est *Hill v. Church of Scientology* de 1995 à la Cour suprême (RD-factum para. 73).

En fait, la question d'une injonction n'était **pas** une question devant la Cour suprême dans *Hill*.

En plus, le test soi-disant « *Astley* » n'était pas une question devant les cours inférieures dans *Hill* — le test n'avait même pas été inventé dans ces années de 1992 à 1995. Entre autre, le critère de l'impécuniosité n'a jamais été mentionné pour l'injonction dans the cas *Hill*.

En plus, la défense « fair comment » n'était pas en jeu dans *Hill*.

La deuxième autorité de Mr. Dearden est *Barrick Gold v. Lopehandia* de 2004 dans la présente cour (RD-factum para. 74).

Dans *Barrick*, la constitutionnalité de l'injonction permanente n'était pas une question devant la cour, et le soi-disant test *Astley* n'avait pas été appliqué — *Barrick* n'a aucun rapport avec le cas présent, et le test en question n'a été énoncé que à partir de 2006.

Toutes les dix autorités qui appliquent le test *Astley* qui sont répertoriées dans le para. 76 du factum de Mr. Dearden ne sont **jamais** allé devant une cour d'appel sur la question de ce test et de sa constitutionnalité.

Cette question de constitutionnalité du test *Astley* est devant une cour d'appel pour la toute première fois ici et maintenant. Et ça semble être un test qui n'a pas été développé ou appliqué ailleurs dans le common law.

La constitutionnalité du test *Astley* est une question de droit, mais la question parallèle du non-respect de mon droit constitutionnelle (en rapport à la section 2(b) de la *Charte*) a une composante factuelle.

La Cour suprême dans *Hill v. Church of Scientology*, au para. 193, a énoncé, en partie :

« Il est également approprié pour un tribunal d'appel de considérer les actes du défendeur après le procès. ... »

... Cette **citation** est en relation à une injonction, et en relation avec des dommages aggravés.

Donc, j'attire l'attention de la Cour à l'Onglet I4, à la page 598 du Tome III de mon Appeal Book and Compendium, qui est une lettre du 9 juin 2014 que j'ai écrit à Mr. Dearden et qui décrit ma conformité complète et immédiate à toutes les conditions de l'injonction permanente du 6 juin 2014.

A l'Onglet I5, vous pouvez voir que Mr. Dearden prétend, sans spécificité, que je ne suis pas en conformité avec l'injonction. Au contraire, je suis en conformité complète puisque ~~quand~~ <sup>quand</sup> quelqu'un active le lien il se retrouve sur une nouvelle page qui explique que le lien recherché n'existe plus, par raison d'ordonnance.

...

En plus, Mr. Dearden va vous signaler un seul commentaire sur un seul article blogue par un/une certaine « Bah Bah Black Sheep, English Works » comme seule évidence des soi-disant diffamations aggravantes. Mais Mr. Dearden ne va pas vous dire :

- Que ce commentaire « Bah Bah Black Sheep » n'existe plus depuis le 9 juin 2014.
- Il ne va pas vous dire que tous les commentaires des différents commentateurs étaient publiés, et que la grande majorité de ces commentaires étaient critiques à mon égard et soutenait la plaignante.
- Et il ne va pas vous dire que je n'ai jamais été l'auteur d'articles autres que des rapports sur le processus légal et des liens à des articles médiatiques à-propos du cas.

[voir les Onglets 19, 20, et 21 dans les tomes du « Book of Exhibits », pour les « exhibits » 5, 6, et 7, qui sont des livres comprenant tous les articles de blogs en question.]

### **3. La troisième question est la question de la limite statutaire.**

[« Issue #2 », dans mon factum]

Cette Cour a établi que la définition statutaire d'un journal inclus un journal publié entièrement sur le web.

[voir les paras. 66 à 69 de mon factum]

[*Weiss v. Sawyer*, 2002 CanLII 45064 (ONCA), les paras. 24 à 26]

Mr. Dearden, à son para. 65, s'objecte que l'Acte exige (et je cite Mr. Dearden) : « unless the names of the proprietor and publisher and the address of the publication are stated ... on the front page of the newspaper ».

Et bien sur la page d'entrée de mon blogue il y a ma photo, mon nom, un lien à mon adresse de courriel, et un lien à mon profile de blogueur. Cela permet une identification immédiate et sans erreur et satisfait amplement la fonction de l'Acte, et c'est plus d'information que donne, par exemple, le « Huffington Post » qui est le plus grand journal web au Canada.

Mais nous ne pouvons pas savoir ce que le juge de procès pensait de cela car il a été silencieux sur toute la question de la limite statutaire.

### **4. Quatrièmement, il-y-a la question de la vidéo de Malcolm X, intégrale à l'article blogue, mais qui n'a pas été montré au jury.**

[« Issue #3 », dans mon factum]

Il est important de reconnaître, tel que signalé au para. 73 de mon factum, que cette vidéo était centrale pour déterminer le sens diffamatoire de l'article ciblé, et, ceci, indépendamment de l'admissibilité des défenses pour diffamation.

Ici, l'argument de Mr. Dearden, à son para. 71, est incorrect et pourrait induire cette Cour en erreur. Mr. Dearden dit que ma représentation du procès-verbal est fausse.

Au contraire, Mr. Dearden avait accepté de montrer la vidéo, et il y avait bel et bien une entente à ce sujet.



Lisons simplement les quelques éléments de ce procès-verbal du 14 mai :

[SVP voir l'Onglet G9 dans le Tome I de mon Appeal Book and Compendium...]

DENIS RANCOURT : ... c'est le transcript d'un vidéo qui est - qui fait partie intégrale du blogue dont on se plaint dans cette action et en diffamation, le contexte est tout. Le contexte est essentiel. Y'a aucun substitut pour ce vidéo, que de regarder le vidéo, qui dure trois minutes. Y'a aucun substitut. Il faut - quand le - quand on va montrer l'article dont on se plaint ici, en évidence, il faut le monter au complet dans son contexte et ça inclut un vidéo ici, qu'il faut jouer. [p.150 ligne 32 à p.151 ligne 11]

Mr. Dearden, lui, cite une discussion à la page 152 du procès-verbal, hors contexte, ou le juge explique la raison de vouloir utiliser un procès-verbal de la vidéo, en disant :

LE TRIBUNAL : C'est pas le point. Le point, c'est pas qu'on a pas besoin de voir le vidéo. Vous pouvez même y référer vous-même dans le contre-interrogatoire ou quelque chose, mais la question, c'est pas ça. Là, c'est que ... [p.152 lignes 8 à 13]

Mais plus loin, à partir de la page 153 nous avons l'entente :

MR. DEARDEN: We can play it live.  
THE COURT: Hey?  
MR. DEARDEN: Play it live...  
THE COURT: We can play it live.  
MR. DEARDEN: ... and put it up.  
THE COURT: Sure.  
MR. DEARDEN: He's put it up on the Internet.  
THE COURT: Yeah, we can do that.

[Court transcript, May 14, 2014, p. 154 (trans.), lines 7-14; Appellant's Appeal Book and Compendium, Volume I, Onglet G9, p. 262 (comp.)]

## 5. Cinquièmement, nous avons la question des coûts du procès

[« Issue #6 », dans mon factum]

Sur cette question, j'attire votre attention sur les soumissions suivantes, dans lesquelles j'ai argumenté que l'attribution des couts du procès est injuste et inconstitutionnelle.

Dans mon « Notice of Appeal » j'ai dit au para. 42 que j'anticipais faire des soumissions orales vis-à-vis les coûts du procès. J'ai aussi dit **dans le tout dernier para. du document** que je demande permission de faire appel-des-coûts si une permission est requise.



Ensuite, dans mon « Supplementary Notice of Appeal » au paras. 2 et 3 j'ai précisé les fondements de mon appel-des-coûts, vis-à-vis, entre autre, leurs non-constitutionnalité et l'erreur d'avoir tenu aucun compte de l'évidence de mon impécuniosité.

Pour accélérer les choses, je signale que mon argument est déjà élaboré dans mon « Notice of Constitutional Question », aux paras. 13 à 21 et 28 à 34.

Et les documents, affidavits, et preuves en appuis à mes arguments sur les couts du procès sont dans les **Tomes III, IV, et V** du « Appeal Book and Compendium », à partir de l'**Onglet I-c1** jusqu'à l'**Onglet I-c12** (« c » pour « coûts »).

Entre-autres, il-y-a mon affidavit pour prouver mon impécuniosité (l'**Onglet I-C2-E**), le procès-verbal de l'examen de cet affidavit (l'**Onglet I-c3, Tome IV-en-entier du Appeal Book**), et les preuves produites en contre-examinassions (les **Onglets I-c4 : 1, 7, 8, 9, 10, et 26**).

En plus, je souligne le para. 34 de mon « Notice of Constitutional Question » dans lequel je cite le droit international des coûts de procès en diffamation. Sur ce dernier point, il est important de noter que la Cour suprême vient récemment, en 2015, d'affirmer :

« the *Charter* should be presumed to provide at least as great a level of protection as is found in the international human rights documents that Canada has ratified »

***Saskatchewan Federation of Labour v. Saskatchewan*, 2015 SCC 4 (CanLII);**  
aux para. 64

... que je vous ai signalé dans ma lettre du 22 juin de cette semaine.

## **6. Sixièmement, il y a la question de la partialité du juge de procès.**

[« Issue #5 », dans mon factum]

Dans mon « Notice of Appeal », au para. 39(b), j'ai insisté sur les Raisons du juge du 6 juin 2014 pour l'injonction permanente comme étant une preuve solide d'apparence de partialité. J'ai dit que ces dites Raisons, et je cite :

« contained many findings regarding the character of the defendant, alleged defendant's improper motives, and incorrect findings of fact, which are based on hearsay and which are not reasonably supported by evidence at trial »

J'ai mentionné ceci aussi au para. 51 de mon Factum.

Pour accélérer les choses, et par manque de temps, j'ai préparé une liste, en anglais, des nombreuses prononciations fausses dans les Raisons du 6 juin, qui prouve une apparence de partialité ... [« hand it up »]

C'est exactement la même liste que j'ai donné à Mr. Dearden le 6 mars 2015, ~~dans un « Supplementary Factum » que je demande que votre panel reçoive en vue de considérer son utilité et son acceptabilité. [« ? »]~~

### En conclusion

**JE CONCLU QUE** de ne pas avoir admis les défenses pour diffamation dans ce procès était une violation et une négation de mes droits constitutionnelles, et que cette violation ou négation est elle-même aussi une violation de mes droits garanties par le *Pacte international relatif aux droits civils et politiques* ratifié par le Canada.

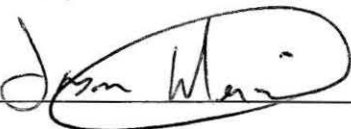
Ce *Pacte international* ne reconnaît pas une présomption des dommages en diffamation, et j'ai ici une copie de son Article 19 sur les droits d'expression, pour votre commodité.

Cela termine ma présentation, à moins que vous ayez des questions.

### Coûts de l'appel

Impécuniosité — constitutionalité — entièrement payé par une non-partie à la cause

THIS IS **EXHIBIT "Q"**  
TO THE AFFIDAVIT OF  
**LAUREN CROSBY**  
AFFIRMED BEFORE ME  
THIS 29<sup>th</sup> DAY OF OCTOBER, 2015



A Commissioner for Taking Oaths

**Jason Joseph Daniel Mercier,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires April 9, 2017.**

**COURT OF APPEAL FOR ONTARIO****BETWEEN:****JOANNE ST. LEWIS****Plaintiff  
(Respondent)****and****DENIS RANCOURT****Defendant  
(Appellant)**

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**APPELLANT'S SUPPLEMENTARY FACTUM RESPECTING COSTS**

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**March 6, 2015****Dr. Denis Rancourt  
(Appellant)**

The June 6, 2014, oral "Reasons" for the permanent-injunction and take-down Order that contained findings regarding the character of the defendant, alleged defendant's improper motives, and incorrect findings of fact, which are based on hearsay and which are not, we respectfully submit, reasonably supported by evidence at trial

**Defendant's July 4, 2014, Submissions respecting costs of trial, para. 15(b) [Appeal Book Tab I-c2]**

37. The 18-page (oral) June 6, 2014, Reasons For Decision (Injunction Motion) are filled with incorrect and unjustified statements, including as follows. The Defendant submits below that this degree and type of error (all to the advantage of the Plaintiff) in the Reasons is significant evidence for apparent bias of the trial judge.

**Egregious factual errors and unjustified findings in the Reasons (Injunction Motion)**

**Reason for Decision (Injunction Motion) (Orally, on June 6, 2014) [Appeal Book Tab D3]**

(i)

The jury found that the defendant had defamed the plaintiff, that he was actuated by malice when he did so (p. 1, lines 10...)

This is incorrect. It was *not* determined at trial that the Defendant had acted with malice in publishing the two impugned blogposts of the claim (published on February 11, 2011, and May 18, 2011). In the charge, the jury was asked about malice solely for the stated purpose of determining aggravated damages, without discriminating between alleged malice for the two impugned blogposts of the claim versus alleged malice for the alleged "repetitions" in other blogposts or for contacting media reporters. The written question to the jury was:

Was there actual malice on the part of the Defendant Denis Rancourt?

**Charge to the jury (delivered on June 3, 2014) [Appeal Book Tab G6]**

**Written jury's answers to the questions to the jury, Exhibit J3 (June 5, 2014), p. 17 [Appeal Book D1]**

(ii)

He has done so in unequivocal terms, calling her the "house negro" of Allan Rock (p. 2, line 11)

This is incorrect. The qualified statement complained of and considered by the jury is that "... documents ... suggest that law professor Joanne St. Lewis acted like President Allan Rock's house negro when she enthusiastically toiled to discredit a 2008 SAC report about systemic racial discrimination ..."

(iii)

His attacks on Professor St. Lewis are part of a more generalized attack on President

Rock and the University of Ottawa. This feud has been ongoing for years. (p. 2, line 13...)

His attacks on Professor St. Lewis appear to be one of his weapons in his long-lasting and ongoing battle against the University of Ottawa, and its president, Allan Rock. (p. 3, line 22...)

There is not one iota of evidence supporting this theory of the case, or the malice that it implies. This was not before the jury, not mentioned in the charge to the jury (which, in fact, expressly took the opposite view that the Defendant's 2009 dismissal from the university was entirely irrelevant), and is not relevant to the injunction motion. The 11-year-old *U of O Watch* blog is explicitly about critical reporting on the institution.

(iv)

The evidence is clear that his attack on Professor St. Lewis was systemically prepared and orchestrated with the help of Ms. Gervais, the person from the Student Appeal Centre who had published a report raising the allegation of systemic racism. (p. 2, line 22...)

The "clear" evidence is uncontrasted and untested. Neither Ms. Gervais nor the Defendant testified and no witnesses were cross-examined. The SAC's releasing of access to information documents in 2011 which the Defendant used cannot reasonably constitute "preparing and orchestrating" the Defendant's 2011 blogpost. This was not before the jury, not mentioned in the charge to the jury (which is silent about Ms. Gervais), and is not relevant to the injunction motion.

(v)

The defendant was already closely involved with Ms. Gervais, the author of the SAC report and in fact helped her write her response to the plaintiff's evaluation. (p. 3, line 3...)

This is categorically false and it is not supported by any evidence whatsoever. The content of the 2008 SAC report was the sole responsibility of the SAC. Furthermore, the said SAC report was written *prior* to the St. Lewis evaluation of the SAC report, and *prior* to the university's request to Ms. St. Lewis that she make her evaluation. This was not before the jury, not mentioned in the charge to the jury (which is silent about Ms. Gervais), and is not relevant to the injunction motion.

(vi)

From December, 2008, on a persistent and repeated basis, the defendant pursued his defamation of plaintiff on his online blogs, "U. of O. Watch" and "Activist Teacher". At the time of trial, there were still approximately 68 articles remaining online. (p. 3, line 7...)

This is false and it is contrary to the evidence, as is the malice that it implies. There was not a single published word about the Plaintiff for more than two (2) years between the blogpost of December 6, 2008, and the blogpost of February 11, 2011. After February 11, 2011, there were no publications about the Plaintiff for more than three (3) months until the blogpost of May 18, 2011, which reported about the May 16, 2011, Notice of Libel. The many blogposts that followed (less than two per month on average) were about all the legal developments and filings in the action, and about all media coverage of the action, whether positive or negative to the Plaintiff. It was a log of the publicly available information about the action.

(vii)

He has repeated time and time again the same allegations that Professor St. Lewis has covered up systemic racism at the university at the request of the President. (p. 3, line 27...)

This is incorrect. It is not based in evidence. The "68 articles" that were published and that are incorrectly taken to constitute "repetitions" are not repetitions of the defamatory sting. The trial judge gives not a single example of a "repetition" and, despite the Defendant's argument in the injunction motion, refused to turn his mind to the "68 articles" (blogposts) to determine (1) whether they repeat the defamatory sting, and (2) whether they are defamatory. In fact, the "68 articles" (less than two per month on average) were about all the legal developments and filings in the action, and about all media coverage of the action, and were neither defamatory nor repetitions.

(viii)

He claimed that he had proof of this coverup as a result of emails that had been provided to him by Ms. Gervais. (p. 3, line 30...)

This is incorrect and it is inconsistent with the record. "Proof" was never claimed. Truth of the sting was not a defence. No such statement or claim of "proof" or of truth was ever published or made by the Defendant. The defendant expressed the opinion that the access-to-information documents released on February 11, 2011, by the SAC suggested "that law professor Joanne St. Lewis acted like President Allan Rock's house negro when she ...". This was a comment based on public documents, on a matter of public interest, as per the Defendant's opening statement to the jury.

(ix)

It is clear however that he never tried to find the truth about the existence or not of the coverup. He was reckless in this regard. (p. 4, line 5...)



This is incorrect, it is irrelevant, and it is not supported by the evidence. Establishing truth is not relevant to the fair comment defense, nor is it relevant in any way to the injunction motion. The impugned blogpost of February 11, 2014, itself expressly states that the opinion is based on access-to-information documents, which are hyperlinked. Furthermore, the longer blogpost of December 6, 2008, gives a detailed argument why it is reasonable, based on an analysis of the texts and circumstances, to make the opinion that Ms. St. Lewis was primarily serving the institution to mitigate the negative media from the SAC report.

(x)

The defamatory attacks against Professor St. Lewis were particularly harmful because they were disseminated on the internet and they went to the heart of her professional reputation. (p. 4, line 9...)

This is a baseless statement. There is no evidence whatsoever that there was greater harm to reputation because the article was a blogpost rather than in a book or newspaper or magazine. Common sense tells us that the Plaintiff's colleagues and law students would put relatively little weight on the personal and little-known blog of a dismissed professor, especially in light of the choice of language. In addition, there was virtually no evidence of actual harm to reputation.

(xi)

Mr. Rancourt has pursued all possible avenues to try to delay these proceedings and in doing so he has been ordered, on different occasions, to pay costs to the plaintiff. (p. 4, line 29...)

This is false and has no basis in the record of the case proceedings. The trial judge has no direct knowledge of the pre-trial interlocutory motions and applications. The finding is contrary to the factual finding of motions judge Kane J. (see paragraph 15, above). Several motions were settled and virtually all of the interlocutory costs orders against the Defendant are on a partial indemnity scale, despite the constant strenuous arguments of the Plaintiff's counsel for punitive costs scales.

**See: Defendant's July 4, 2014, Submissions respecting costs of trial, paras. 22-23 [Appeal Book Tab I-c2]**

(xii)

The defendant has shown a total disregard for the judicial process. Although he was told by the Court after a voir dire hearing that he could not advance his abuse of process defence, he tried nevertheless to plant the idea in the jury's mind during his opening statement. I had to stop him. (p. 5, line 4...)

This is incompatible with the trial transcript of the event being described, in which the trial judge then concluded the discussion in the absence of the jury with:



"LE TRIBUNAL : ... toute cette question de *Jameel* était sous-entendue dans ma décision. Il n'y a pas en droit, en Ontario, une défense telle que vous la proposez. C'est ce que je décide. ... Je me trompe peut-être, mais c'est ce que je décide". (p. 79, line 16..., trial transcript)

Thus, the trial judge's Endorsement statement is incorrect. It conflates (1) the Defendant's "lawsuit by proxy and government funding abuse of process" remedy (Section "Government entity and third-party involvement - Charter", paras. 61-67, Statement of Defence) with (2) the Defendant's separately pleaded "*Jameel*" no-actual-damage-to-reputation abuse of process remedy (Section "No damages", paras. 68-71, Statement of Defence). Solely paragraphs 61-67 of the Statement of Defence were struck in the voir dire ruling.

**Trial transcript of May 15, 2014, p. 66-82 [Appeal Book Tab G25]**

**May 9, 2014, Defendant's Factum Voir Dire On "Proxy Defence" [Appeal Book Tab I13]**

**Reasons for Ruling (Voir Dire: Proxy defence / University's motion to quash summonses) (Orally, on May 14, 2014) [Appeal Book Tab E2]**

(xiii)

Mr. Rancourt is a very intelligent and highly educated man. Often he pleads innocence, or the fact that he is not a lawyer, to explain his so-called mistakes. He asks the Court questions, but it has become clear to me with time that he knows the answer, but simply wants something on the record from the Court which he hopes that he will be able to use in some matter later on. (p. 5, line 11...)

This incorrect finding of malice of the Defendant is not supported a single fact, and does not refer to any specific evidence or event.

(xiv)

He walked out and only came back after the verdict ... (p. 6, line 1...)

This is incorrect. The trial judge himself stated on the record on June 5, 2014, that the court waited for the Defendant to arrive for the jury's morning verdict:

"LE TRIBUNAL : ...vous avez demandé ce matin qu'on vous donne une demi-heure. Tout le monde vous a attendu pour que – pour le verdict."

**Trial transcript of June 5, 2014, p. 29, lines 9-13 [Appeal Book Tab G16]**

(xv)

One of the favourite tactics of the defendant - and I should say, this led to the first filing of the series of "R" exhibits which I will refer to, that was "R1" that I read in court and filed as "R1" - one of the favourite tactics of the defendant, from day one, was to try to have the judge assigned to his case recuse himself. (p. 6, line 20...)

This incorrect finding of malice is incompatible with the record. It is also incompatible with the trial judge's own considered Reasons of for not recusing himself, made on "day one" May 7, 2014. No court has ever found that any request for recusal in the action was an abuse of process

or worthy of punitive measures. Every recusal motion was based on hard evidence of a judge's connection with a party or intervener. Exhibit "R1" has nothing whatsoever to do with a recusal request [Appeal Book Tab H1].

(xvi)

He had been successful early on in the proceeding to have Justice Beaudoin remove himself from the proceeding, by raising the fact that a memorial trust had been established for his deceased son at the University by the law firm where his 42-year-old son was practicing at the time of his untimely death. The defendant's tactic worked because Justice Beaudoin was deeply saddened and upset by that claim. (p.6, line 26...)

This is materially incorrect. In fact, the said "memorial trust" was an endowed scholarship fund at the University of Ottawa directly financed by Justice Beaudoin himself who was the signing authority on the contract. Furthermore, a main ground in the motion for recusal of Justice Beaudoin was that he had expressed in a published media interview that he had personal and emotional attachments to the said scholarship fund and to a named boardroom in the law office of the Ottawa law firm that represented the University of Ottawa. Justice Beaudoin did recuse himself. This statement of the trial judge cannot possibly be from evidence.

(xvii)

At the opening of trial, the defendant made a motion that I recuse myself on the grounds ... (p. 7, line 5...)

This one-paragraph summary is incorrect because it omits the crux of the matter. The main ground in the pre-trial recusal motion was that the case involves the reputation of the University of Ottawa and its scholarships (e.g., Statement of Defence, at para. 72) and that, therefore, there is a shared interest between the trial judge and the university, regarding the financial value of scholarships. And, available access to information documents showed annual financial donations made by the trial judge up to at least 2012.

**Trial transcript of May 7, 2014, p. 27-28 [Appeal Book Tab G15]**

(xviii)

From the time he walked out of the courtroom, the defendant published all types of comments in various forms on various blogs about what had occurred in the absence of the jury, and which he knew or should have known could prejudice the jury if it came to their attention. In some cases the publications were made by him on his blogs or sometimes indirectly by his activist friends.

On May 15, 2014, the afternoon after he walked out of the trial, he gave an interview to a reporter of the Ottawa Citizen telling him that I had withdrawn from the jury his key legal defence and that the trial was like a proceeding in the Soviet Union during the Stalinist era. That the Court had created a fake process where "I am gagged" and

he would not participate in that kind of "kangaroo court". The article was published in both the e-version and then the paper version of the *Ottawa Citizen*. In the paper edition on the first page of the City section, the defendant is quoted as saying that "the jury will not hear the whole story". (p. 7, line 16...)

This is not relevant in any way to the injunction motion. The trial judge does not mention that he had ruled in open court, after inviting the submissions of the Plaintiff, that *Ottawa Citizen* senior reporter Mr. Don Butler could interview the Defendant about any matter in the trial:

THE COURT: Yeah. No, that's fine. What Mr. Rancourt chooses to do from now on is up to him.

DON BUTLER: Thank you, Your Honour.

Trial transcript of May 16, 2014, p. 73-74 [Appeal Book Tab G24]  
And see paragraphs 32 and 33, above, about publishing comments about the trial

(xix)

The documents that are found in "R15" in relation to Ms. McKinney clearly indicates that she is well-known, that Mr. Rancourt knows her quite well, that she is a person he deals with, that, in fact, he indicates that she is one of his favourite important persons. (p. 8, line 27...)

Cynthia McKinney is a former Congresswoman who served six terms in the United States House of Representatives. She was the first African-American woman to represent Georgia in the House. The fact that the Defendant includes her on his published "AT list of remarkable professional persons", or that she positively reviewed his book "Hierarchy and free expression in the fight against racism", etc., is not relevant whatsoever to the injunction motion.

(xx)

He includes word for word the written comment he had read in court, or written statement I should say, he had read in court, in the absence of the jury. It is noteworthy that he had written what he read in court. It raises suspicions that he intended all along to publish it. It was filed as "R5", that particular blog. (p. 9, line 4...)

This is false. The text in Exhibit R5 is an *ad hoc* translation into English of what was read in court in French the day before, from hand-written notes. There is no factual basis that preparing on paper one's important statement for court "raises suspicions". The Defendant systematically has published all court-filed documents and open-court transcripts of all parties and interveners in the action, as was known by the trial judge (Exhibits 5, 6, and 7).

And see: [academicfreedom.ca](http://academicfreedom.ca) webpage of links to all court documents [Appeal Book Tab I14]

(xxi)

On May 22, 2014, the defendant published an article on his U. of O. Watch entitled, "Why did Regional Senior Justice Charles T. Hackland resign on May 8th, 2014?" He alleges in that article that Justice Hackland's resignation is related to the defamation

case, *St. Lewis v. Rancourt*. He then explains in detail his unsuccessful recusal motion at the beginning of trial, his submissions at that hearing, and my decision. He also includes the fact that he had asked Regional Senior Justice Hackland to appoint a judge that was not a graduate of the University of Ottawa. He points out that on the very next day, Justice Hackland resigned.

He mentions that Justice Hackland, prior to his appointment, was a partner at Gowlings, the firm representing the plaintiff. It is noteworthy and has been known in the legal community that Justice Hackland advised those interested that he would be resigning in May 2014 in May 2013. (p. 9, line 12...)

This is of no relevance to the injunction motion.

(xxii)

"R16" is an article on his blog, "Activist Teacher", May 25th, 2014. It's entitled, and I quote, "The crisis of access to justice in self-represented litigants". This article is obviously, again, an excuse to talk about his case and injustices he faces preventing him from getting a fair trial in this particular matter. This has continued on and on throughout the trial. See Exhibit "R18", "R19", "R20", "R21", "R22".

As a result thereof in a separate proceeding, I have cited Mr. Rancourt to appear on September 25, 2014 at 10:00 a.m. to show cause why he should not be found in contempt for having published, or caused to be published, prejudicial information about interlocutory proceedings and other trial proceedings that occurred during the absence of the jury while the jury was still in the process of hearing the case. This is the same information I'm putting him on notice that I refer to in those "R" exhibits. (p. 10, line 6...)

This is of no relevance to the injunction motion, and it is contrary to the trial judge's August 21, 2014 Endorsement.

See paragraph 33, above, about publishing comments about the trial

(xxiii)

Seven. He submits that the comments on blogs he had to publish, or the comments of individuals which appear on his blogs, I should say, that he had to publish them because it was his policy to accept and publish all comments in a balanced fashion. (p. 12, line 21...)

An essential omission is that there was one (1) blog comment complained of, in 4 years, on 68 blogposts, and that the majority of blog comments in the 4 years were critical of the Defendant, not the Plaintiff.

(xxiv)

It is clear he still believes his statements were either not defamatory or even if they were, that he was totally entitled to publish them because defamation law is wrong and must be eradicated. (p. 15, line 1...)

This conjecture is incorrect and has no basis whatsoever in evidence. Defamation is protected by law when a defence, such as fair comment, applies. The Defendant has been publicly critical of

the presumptions of damages, and malice, inherent in the common law of defamation, as have legal scholars.

(xxv)

To protest the law by making submissions as to why a law should be changed is one thing. To deliberately publish defamatory articles in the face of the existing law, before it is changed, because one disputes the law, is anarchy. That is clearly the state of mind of Mr. Rancourt. (p. 15, line 7...)

This is an incorrect extrapolation. It has no basis in reality and appears to be purely an echo of the Plaintiff's counsel's spin.

(xxvi)

His submissions themselves show he is in a fighting mood. He submits, for example, that simply linking a defamatory article about the plaintiff would not be defaming her. He submits that the plaintiff has yet to prove, in any event, that any of the other articles – that is, the articles which were not the specific subject of the jury's decision – were defamatory. He suggests the plaintiff has to prove that they were. (p. 16, line 19...)

This is incorrect. The trial judge refused to turn his mind to whether the "68 blogposts" about developments in the action were defamatory or not or whether they repeated the original sting or not, in view of deciding the likelihood of "continuing to defame".

(xxvii)

Moreover, the defendant has failed to publish a retraction nor offered at any time to do so. He is clearly not apologetic, even today. (p. 16, line 30...)

This is irrelevant. The Defendant's comments (whether defamatory or not) may well be protected by his pleaded defences that the trial judge barred the jury from considering. Defamation is protected by law in Canada, for good reason, when a defence applies. The trial judge appears here to have a bias against this very principle. Furthermore, the trial judge at the time had no information about the attempts to mediate in the action.

(xxviii)

I also find the plaintiff has satisfied the second branch of the test. The possibilities of payment of the costs, or the award of damages that the defendant suggests exist are, frankly, pure fantasy. There is no reasonable prospect he will be able to pay. (p. 17, line 1...)

This exactly contradicts the trial judge's finding in the Endorsement on costs, each finding being to the advantage of the Plaintiff:

The defendant's evidence that he is impecunious is self-serving at best. ...

**Endorsement on Costs (Signed on August 21, 2014), at para. 41 [Appeal Book Tab D4]**



(xxix)

It is not, as claimed by the defendant, a silencing of him. He can easily avoid breaching the injunction by simply refraining from publishing defamatory statements. The defendant clearly would like to be able to force the plaintiff to have to start over from scratch every time he would publish a defamatory statement about her. This, again, indicates his state of mind. (p. 17, line 18...)

This again gives an appearance that the trial judge has a bias against freedom of expression, since the injunction applies to any unknown comment about the Plaintiff, who is a public figure working for the University of Ottawa, which is the focus of the Defendant's longstanding *U of O Watch* blog. In Canada, defamatory criticisms that are fact-based opinions on matters of public interest, for example, are protected by law. Therefore, the injunction order *is* unequivocally "a silencing of him".

#### PART IV — ISSUES ON APPEAL AND THE LAW

**Issue #1: The awarded costs, in the circumstances of this case, are an unjustified suppression of the Defendant's freedom of expression guaranteed by the *Charter***

38. Whereas costs cannot normally give rise to a suppression of a *Charter* right or freedom, in a defamation case there are special circumstances that can attract *Charter* scrutiny of costs, regarding the s. 2(b) guaranteed freedom of opinion and expression.

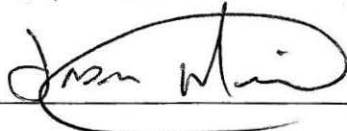
39. Most directly, and as is illustrated in the instant case, large ordered costs that cannot be paid have become part of the "test" being applied for awarding permanent injunctions that directly suppress even unknown expression of a defendant, with possible consequences of imprisonment. The trial judge, here, did apply the said "test".

I am satisfied that the test set out by Justice Chapnik in *Astley* is a valid and reasonable one and I adopt it.

**Reason for Decision (Injunction Motion) (Orally, on June 6, 2014), at p. 16, lines 3-6 [Appeal Book Tab D3]  
And see the permanent injunction sections (Issue #4) in the Appellant's Factum for the main appeal**

40. Less directly, if a plaintiff has the luxury to spend unlimited resources and hires expensive lawyers in pursuing a defamation action, and if the losing defendant, who did not have a matching budget, must pay in proportion to the resulting extravagant costs, then this creates

THIS IS **EXHIBIT "R"**  
TO THE AFFIDAVIT OF  
**LAUREN CROSBY**  
AFFIRMED BEFORE ME  
THIS 29<sup>th</sup> DAY OF OCTOBER, 2015

A handwritten signature in black ink, appearing to read "Jason Mercier", written over a horizontal line.

A Commissioner for Taking Oaths

**Jason Joseph Daniel Mercier,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires April 9, 2017.**

Joanne St. Lewis

Respondent (Respondent)

- and - Denis Rancourt

Applicant (Appellant)

File Number: 36653

Appealed From: C59074

**IN THE SUPREME COURT OF CANADA  
(On Appeal from the Ontario Court of Appeal)**

PROCEEDING COMMENCED AT  
OTTAWA

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